



Constitution and Standards Committee

Date: Wednesday, 24 February 2021

Time: 6.00 p.m.

Venue: Microsoft teams

Contact Officer: Daniel Sharples
Tel: 0151 666 3791
e-mail: danielsharples@wirral.gov.uk
Website: www.wirral.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

2. MEMBER DECLARATIONS OF INTERESTS

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

3. MINUTES (Pages 1 - 8)

To approve the accuracy of the minutes of the meeting held on 25 November 2020.

4. PUBLIC AND MEMBER QUESTIONS

4.1 Public Questions

Notice of questions to be given in writing or by email by 12 noon, Friday 19 February 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 10.

4.2 Statement and Petitions

Notice of representations to be given in writing or by email by 12 noon, Friday 19 February 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.1 and 11.2.

Please give notice of presentation of a petition to committeeservices@wirral.gov.uk.

4.3 Questions by Members

Questions by Members to be dealt with in accordance with Standing Orders 12.3 to 12.8.

- 5. LOCAL GOVERNMENT ASSOCIATION - MODEL COUNCILLOR CODE OF CONDUCT (Pages 9 - 30)**
- 6. WHISTLEBLOWING POLICY (Pages 31 - 46)**
- 7. AMENDMENT TO THE CONSTITUTION - HEALTH AND WELLBEING BOARD (Pages 47 - 50)**
- 8. REVISION OF THE PETITION SCHEME (Pages 51 - 58)**
- 9. MEMBER SUPPORT STEERING GROUP (Pages 59 - 68)**
- 10. CALENDAR OF MEETINGS 2021/22 (Pages 69 - 86)**
- 11. REMOTE MEETINGS UPDATE (Pages 87 - 100)**
- 12. LEARNING FROM EXPERIENCE OF THE NEW CONSTITUTIONAL ARRANGEMENTS**

This item has been placed on the agenda at the request of the Chair.

Members are invited to offer their views on how the new constitutional arrangements has assisted or can be improved to assist in their roles and duties. Members are requested to draw attention to issues that can be considered as part of a review of the constitution at an appropriate stage during the next municipal year.

CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 25 November 2020

Present: Councillor P Gilchrist in the Chair

Councillors C Cooke J Robinson
T Cox J Stapleton
P Gilchrist S Williams
P Hayes J Williamson
S Hayes G Wood
C Jones

In attendance: Independent Persons
Professor R Jones
Mr G Kerr

1 **NOMINATION OF CHAIR AND VICE CHAIR OF THE CONSTITUTION AND STANDARDS COMMITTEE**

The Director of Law and Governance welcomed Members of the Constitution and Standards Committee, Officers and viewing members of the public to the online, virtual meeting.

Following his introduction, the Director of Law and Governance called for nominations for the role of Chair of the Constitution and Standards Committee. It was:

Moved by Councillor Chris Cooke
Seconded by Councillor Steve Hayes

that Councillor Phil Gilchrist be appointed as Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

No other nominations were received.

RESOLVED – That Councillor Phil Gilchrist be appointed as Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

Councillor Phil Gilchrist in the Chair

The Chair called for nominations for the role of Vice Chair of the Constitution and Standards Committee. It was:

Moved by Councillor Janette Williamson
Seconded by Councillor Gillian Wood

that Councillor Jean Robinson be appointed as Vice Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

No other nominations were received.

RESOLVED – That Councillor Jean Robinson be appointed as Vice Chair of the Constitution and Standards Committee for the remainder of the Municipal Year 2020/21.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Chris Jones, Independent Person.

3 **MEMBERS DECLARATION OF INTERESTS**

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

No declarations of interest were received.

4 **PUBLIC AND MEMBER QUESTIONS**

The Chair informed the Constitution and Standards Committee that no petitions, public questions, Member questions, or requests to make a statement had been received.

5 **CHANGE IN GOVERNANCE ARRANGEMENTS: UPDATE ON IMPLEMENTATION**

Philip McCourt, Director of Law and Governance introduced his report that provided the Committee with an overview in respect to the implementation of the change in governance arrangements following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28 September 2020. The report was divided into three parts: Implementation of the Committee programme, Training Update, and Constitution Review and Work Programme

The Director of Law and Governance informed Members that the Council had now completed its first cycle of committee meetings and that lessons continued to be learned.

Steve Fox, Head of Democratic Services provided a brief analysis of briefings for committees, amount of time and demand on member time – partly a result of remote meetings. He further informed of the ongoing training update project (for both Members and Officers) that included Induction and the Members Portal.

Members focused questions to the Director of Law and Governance on the Change in Governance Arrangements and update on implementation including methods to prioritise the work programme for the Constitution and Standards Committee, these included:

- Member Code of Conduct – Subject of a separate report to this meeting.
- Financial Regulations – These have been updated to accommodate the change to the Committee system but a further and complete review will be undertaken in coming months. This will seek to simplify the Financial Regulations and give consideration to shortening them, with day to day detailed material transferring to a Financial Handbook.
- Contract Procedure Rules (Standing Orders) – Minor amendments have been made and updates included, such as transposing the Social Value Policy into the rules, but a full review is required in due course.
- Whistleblowing Policy – This is a review, considered by the Audit and Risk management Policy, that is almost complete and a report is to come before Members shortly but has not yet been considered.
- The list of appointments to outside bodies will also require a review in due course.

Members of the current Governance Working Group had identified and noted that experience is likely to highlight a number of issues that the Committee may wish to consider in greater detail. Officers have also identified issues that they would like Members to give further consideration to. With that in mind, the Constitution and Standards Committee was requested to nominate Members to sit on a Governance Working Group and further request the Director of Law and Governance to make arrangements for that group to discuss the following:

- Public Statements – clarification in respect to speaking on non-procedural items and deadline for registering to speak.
- Review of the Petition Scheme/deadline for submission.
- Interruption of the meeting - clarification in respect to Standing Orders 9.1 and 15.11
- A further discussion in respect to the Media Guidelines.

- Meeting times.
- Substitutes for Decision Review Committee when a Member has a conflict of interest.

Members questioned the Director of Law and Governance on his report. The Director responded and stated that these and other issues were best left to the Governance Working Group to consider, and that he was content that all Members put forward issues for consideration to him, or feed them through to the Working Group.

Note: Changes to membership of the Governance Working Group were to be notified to the Director of Law and Governance after the meeting, and are summarised at Recommendation 3 below.

RESOLVED – That

- (1) **the report be noted;**
- (2) **additional items for consideration by the Constitution and Standards Committee be fed through to the Director of Law and Governance; and**
- (3) **a Governance Working Group be established, comprising:**

Councillors

Tony Cox, Chris Cooke, Phil Gilchrist, Steve Hayes and Gill Wood.

Note – all political group leaders also be invited to attend meetings of the Governance Working Group.

6 REMOTE MEETINGS UPDATE

Philip McCourt, Director of Law and Governance introduced his report that provided the Constitution and Standards Committee with an update in respect to the implementation of the programme of remote Committee meetings since April 2020 in direct response to the Covid pandemic and requested the Committee give consideration to the future application of Standing Order 11.1 'Representations' for remote meetings .

Steve Fox, Head of Democratic and Member Services informed the Constitution and Standards Committee on the work undertaken by Officers in the delivery of a full committee programme of remote council committee meetings since September 2020. He further informed that during first period of Covid-19 lockdown the Democratic Services team ran a series of Planning, Licensing, and other regulatory committee meetings, delivering in excess of 50 meetings. He added that during May and June a further 408 individual

school admission appeals meetings had been successfully delivered remotely.

The Head of Democratic and Member Services apprised Members that this had been challenging, and the speed of transition had been difficult, but successful. He expressed his thanks to the political group office managers and IT department in their assistance in helping to support Councillors and his service in the delivery of meetings, and a series of Member training sessions covering meeting etiquette and the Chairing of meetings.

The Constitution and Standards Committee's attention was drawn to paragraph 3.3 of the Director's report that had identified a key concern in respect of engagement with members of the public and the provision whereby any member of the public can present questions and/or speak for up to 15 minutes at a committee meetings (or Council). Officers requested that in an effort to aid meeting management Members consider aligning the opportunities available to the public, and standardise a deadline of noon, 3 days prior to meeting for all methods of addressing committees.

The Chair sought Members views and comments on the matter of submission deadlines to help provide the public access to meetings alongside a practical way to administer the process.

Following a short debate and noting that any change to procedures would require the consent of Council, Members' also requested that this facility be further communicated to members of the public in the most practical manner.

Additional Recommendation

It was:

Moved by Councillor Phil Gilchrist

Seconded by Councillor Steve Williams

"That the provision in respect of public speaking, submission of public questions and statements is made known to members of the public by appropriate means."

RESOLVED – That

- (1) the report be noted;**
- (2) RECOMMENDATION TO COUNCIL that in respect to Standing Order 11.1 'Representations' and in line with other provisions – the deadline for the public registering to speak be brought forward to no later than the midday three working days before the day of the meeting; and**

(3) the provision in respect of public speaking, submission of public questions and statements is made known to members of the public by appropriate means.

7 UPDATE ON THE PREPARATION OF THE MODEL CODE OF CONDUCT

Philip McCourt, Director of Law and Governance introduced his report that provided Members of the Constitution and Standards Committee with an update on progress in respect of the preparation of a revised Model Code of Conduct.

This report provided Members of the Constitution and Standards Committee with an update on progress in respect to the preparation of a revised Model Code of Conduct.

The Committee on Standards in Public Life (CoSPL) report published in January 2019 recommended creating an updated model Code of Conduct, by the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government.

Members were apprised that LGA Workshops of Members and Monitoring Officers had taken place to discuss the approach and content of the revised Code, and that consultation on a draft Code had run for 10 weeks from Monday 8 June until Monday 17 August 2020.

The Director of Law and Governance informed the Constitution and Standards Committee that in light of the feedback and discussion on 22 October 2020, the LGA would now review the draft and a final Code would then be prepared for submission to the LGA board for approval on 3 December 2020, after which the approved Code will then be published.

Members questioned the Director of Law and Governance on his report, and the Director responded accordingly. He informed that Wirral's Code of Conduct would remain in place, having been reviewed by the Governance Working Group as part of the introduction of the new Council Constitution. This would not preclude further review by the Committee.

RESOLVED – That the report be noted.

8 SUMMARY OF STANDARDS COMPLAINTS

Vicki Shaw, Head of Legal and Deputy Monitoring Officer introduced the report of the Director of Law and Governance and Monitoring Officer that provided a summary of Standards complaints received under the Members' Code of Conduct and Protocol for dealing with complaints against Members

between 31 October 2019 and 31 October 2020. A summary of standards complaints was set out at Appendix 1 to the report.

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

The Head of Legal, Deputy Monitoring Officer apprised the Constitution and Standards Committee that all Local Authorities must have arrangements in place to deal with complaints against Elected Members, and procedures for dealing with such complaints in a confidential manner.

The report further informed that one complaint which was received in July 2019 and was still outstanding at the time of the last report to the Committee in November 2019 was investigated and referred to the Standards Panel on 4 December 2019. The Panel found that there had been a breach of the Code of Conduct and required a number of actions to be undertaken by the subject Member and the Monitoring Officer. The full decision was published on the Council website and all of the required actions have been undertaken by the Monitoring Officer and the subject Member.

The Head of Legal, Deputy Monitoring Officer further apprised the Committee that during the period under report five complaints had been received in respect of five Elected Members from five Individuals.

RESOLVED – That the report be noted.

9 ESTABLISHING THE STANDARDS PANEL AND STANDARDS APPEAL PANEL

Philip McCourt, Director of Law and Governance and Monitoring Officer introduced his report that requested that the Constitution and Standards Committee formally establish a Standards Panel and Standards Appeal Panel in accordance with the Council's Constitution (Part 2, Article 8), paragraph 14.3 of Part 3B Responsibility for Functions, and the Protocol for Dealing with Complaints against Members.

The Chair questioned the Director of Law and Governance on the composition and size of the Standards Panel, and the Director informed that generally such a Panel would comprise between 3 and 5 members, which allowed for stand-ins / deputies dependent upon the complaints under consideration. He added that similar provisions were established for licencing panels and that names (in a priority order) from each political group could be provided subsequent to the meeting.

RESOLVED - That

- (1) a Standards Panel and Standards Appeal Panel be formally established pursuant to paragraph 14.3 of Part 3B Responsibility for Functions of the Council's Constitution;**
- (2) each political group through their Group Leader/Deputy Group Leader or Party Spokesperson confirm the names of the Members who shall be their representative members on the Standards Panel and Standards Appeal Panel to the Director – Law and Governance / Monitoring Officer at the earliest opportunity; and**
- (3) where a representative Member, proposed / confirmed under (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.**



Constitution and Standards Committee
Wednesday, 24 February 2021

REPORT TITLE:	Local Government Association - Model Councillor Code of Conduct
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

On 23rd December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Appendix A, is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government. Guidance is expected to follow in April 2021.

The nine authorities across the City Region have slightly differing codes of Members Code of Conduct. This report notes the ongoing work to align and recommend a shared Code.

RECOMMENDATIONS

The Constitution and Standards Committee is recommended:

1. To note and endorse
 - (a) the publication of the Local Government Association (LGA) Model Councillor Code of Conduct 2020 set out as Annexe 1;
 - (b) the commissioning by the LGA of guidance to better understand and apply the Model Code; and
 - (c) the working together across the City Region to develop a common Member Code of Conduct across the six councils and three combined authorities
2. To establish a Member Working Group to review the Council's current Code of Conduct for Members and make any recommendations for revision to Council.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. This is in response to a recommendation from the Committee for Standards in Public Life (CSPL) to the LGA and Government.
- 1.2 The Model Councillor Code of Conduct is a template for local authorities to adopt in whole and/or with local amendments. It would be advantageous if the six councils across the City Region and the three combined authorities they share held a common Code.
- 1.3 All local authorities are required to have a local Code of Conduct that is consistent with the principles as published by the CSPL in January 2013.
- 1.4 The LGA has stated it will undertake an annual review of this Code, to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation, and has commissioned guidance on the Code to be produced.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not updating the Code would result in Wirral Council's Code not remaining up to date with best practice.
- 2.2 Not updating the Code in association with City Region authorities may result in difficulties in shared interpretation and for councillors who were also a member of combined authority.

3.0 BACKGROUND INFORMATION

- 3.1 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's current Code was adopted on 11 July 2012 is largely based on the Council's Pre-Localism Code (amended appropriately).
- 3.2 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CPSL) included a best practice recommendation for local authorities to adopt a Code of Conduct and recommended that it be based on a model to be produced by the Local Government Association (LGA). This sat alongside other recommendations (set out as Appendix C to Annex 1), including some to Government that require primary legislation, that can be found in their report on **Local Government Ethical Standards**. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

- 3.3 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. This is an issue for Wirral councillors who may also sit on one or more of the combined authorities and on joint committees with neighbouring authorities, such as the Police and Crime Panel or the Joint Health Scrutiny Sub-Committee(s). In September 2020, Wirral Council adopted a revised Code to match that of the LCR Combined Authority as a first step.
- 3.4 The LGA produced a draft model code of conduct, which was subject to a 10 week consultation in the summer of 2020 and to which Members and officers made comment.
- 3.5 The final version now published on 23rd December 2020 is based on the CPSL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations. This is attached as **Annexe 1**.
- 3.3 The final Model Code has been compared to the draft Model Code and the following amendments to the final version have been noted:
- All references to “civility” have been replaced with “respect”
 - Discrimination has been added to the bullying and harassment section
 - More wording has been added relating to access to information
 - Gifts and hospitality threshold of £50 confirmed
 - More detail has been added to Appendix B relating to Declaring Interests.
- 3.5 There remains some issues with the LGA model Code, not least is definitions and application. The LGA has now commissioned Guidance to be drafted to assist in this process, which should be published in April 2021. Discussions are ongoing and the Monitoring Officer and colleagues in the City Region have been asked to assist.
- 3.5 Discussions with Monitoring Officers from the City Region authorities indicate a collective leaning towards adoption of the Model Code albeit with local variations. All intend to take the issue to the upcoming meetings of their standards committees. This may progress at officer level or require some cross-authority discussion at Member level. Some will form working groups and start to progress the Code in March and April to be able to recommend a revised common Code to Council meetings, either at their Annual Meeting or shortly thereafter.
- 3.6 Appendix C of the Model Code lists the CPSL’s 15 Best practice recommendations and notes that the Government is yet to respond to the recommendations made by CPSL, some of which require legislative changes. It should be noted that the Government’s response, when it comes, may require a change to the Council’s adopted Code. The date of the response is unknown.
- 3.7 One of the CPSL’s best practice recommendations is that principal authorities should review their Code of Conduct annually and regularly seek, where possible the views of the public, community organisations and neighbouring authorities. Given the wide-

reaching consultation recently conducted by the LGA, it is not recommended that consultation is currently required should the decision be to recommend to Council adoption of a variation of the Model Code.

- 3.8 The Committee should consider in due course how frequently the Code is to be reviewed. The annual review recommended by CPSL is best practice and there is clearly merit in ensuring that the Code is current and having an opportunity to deal with any obvious points that need amending. On the other hand, concern has been raised about the practicality and feasibility of annual reviews with consultation built in, having regard to the work programme of the Committee, the objective of a common Code and the conflict with the principal recommendation to follow a model generally. If an annual review is not considered feasible, a solution may be an annual light touch health check and a full review as may be considered appropriate, to be conducted at a City Region level.

4.0 ENGAGEMENT / CONSULTATION

- 4.1 Extensive consultation was undertaken with all relevant stakeholders by the LGA for 10 weeks from Monday 8 June until Monday 17 August prior to publication of the new model Code of Conduct.
- 4.2 The comments of the Governance Review Working Group in response to the consultation were submitted to the LGA in August 2020.

5.0 LEGAL IMPLICATIONS

- 5.1 Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.
- 5.2 The Committee is responsible for Standards functions as set out in the Constitution. This includes advising the Council on codes of conduct and making arrangements under which allegations may be investigated. Changes to the Code of Conduct and the Constitution are, however, decisions reserved to full Council

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no specific financial implications arising out of this report.

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 7.1 There are significant implications for the Council in changing its Members Code of Conduct.

8.0 RELEVANT RISKS

- 8.1 Considering best practice and implementing improvements will help maintain sound corporate governance and the integrity of local authority decision making, minimising risk of challenge, corruption, improper conduct and standards complaints.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no identified equality impact implications directly arising from this report.

10.0 ENVIRONMENTAL & CLIMATE IMPLICATIONS

- 10.1 There are no environmental and climate implications arising directly out of this report.

REPORT AUTHOR: Philip McCourt
Director of Law & Governance
Tel: 0151 691 8569

APPENDICES

Annexe 1 – LGA Model Code of Conduct 2020

Appendix A - The Seven Principles of Public Life

Appendix B - Registering Interests

Appendix C - Recommendations of the Committee on Standards in Public Life report on Local Government Ethical Standards.

BACKGROUND PAPERS

- 1) Notes arising from meetings of the Governance Review Working Group
- 2) Report of CSPL on “Local Government Ethical Standards”
- 3) LGA draft Code of Conduct and consultation questionnaire
- 4) Wirral Council response to LGA consultation

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Local Government Association Model Councillor Code of Conduct 2020 (version 2)

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the **Seven Principles of Public Life**, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring

Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

The general conduct guidance follows below:

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular

way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

a) given to me in confidence by anyone

b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am 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:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

**a) act in accordance with the local authority's requirements; and
b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers

- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

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9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that

might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- your own financial interest or well-being;
- a financial interest or well-being of a relative, close associate; or
- a body included in those you need to disclose under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:

- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure

that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	<p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>[Any unpaid directorship.]</p>
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</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 made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed;</p> <p>(b) bond which has not been fully discharged.</p>
Land and property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income</p>

Subject	Description
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p> <p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p>
Corporate tenancies	<p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p> <p>Any beneficial interest in securities* of a body where—</p> <p>a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class</p>
Securities	<ul style="list-style-type: none"> • 'director' includes a member of the committee of management of an industrial and provident society. • 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

b) any body

- i) exercising functions of a public nature
- ii) any body directed to charitable purposes or
- iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on **Local Government Ethical Standards**. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.



Constitution and Standards Committee
Wednesday, 24 February 2021

REPORT TITLE:	Whistleblowing Report
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

This report presents the Councils' proposed new Whistleblowing Policy. The policy is the product of the Council's whistleblowing project, which was commissioned to bring the Council's whistleblowing procedures in line with National best practice.

RECOMMENDATIONS

1. That the Constitution and Standards Committee note the contents of the report and approve the Whistleblowing Policy.
2. That the report be referred to the Audit and Risk Management Committee for information.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 To provide Members with assurance that the Council's whistleblowing concerns are appropriately managed and to ensure that the proposed changes to the current process will improve upon the manner in which the Council manages risk.
- 1.2 To improve the way employees, contractors or volunteers can communicate their concerns to the Council.
- 1.3 To ensure that the Council complies with best practice as recommended by PROTECT; <https://protect-advice.org.uk/> and that its procedures are aligned with the Public Interest Disclosure Act 1998 (PIDA).

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not updating policy and/or procedure.
- 2.2 To not update the policy and/or procedure is not an option, if the Council wishes to align its Whistleblowing procedures with National best practice.

3.0 BACKGROUND INFORMATION

- 3.1 The Council currently retains both a Whistleblowing Policy and Procedure.
- 3.2 The two documents explain how the Council currently manages all presented whistleblowing concerns.
- 3.3 The procedure outlines how whistleblowing concerns are received and processed by the Governance & Assurance Department. The procedure is complied with for all whistleblowing investigations.
- 3.4 Full details of all whistleblowing concerns are recorded in the Council's Whistleblowing Register. The Register is reviewed by the Director of Governance & Assurance quarterly.
- 3.5 Details of any whistleblowing concerns that are identified as a major risk to the Council are investigated by Internal Audit and reported to the Audit and Risk Management Committee as a facet of the Internal Audit reporting process.
- 3.6 The length of time that a whistleblowing investigation will take, is dependent upon the nature and complexity of the concerns raised. Terms of reference are prepared for each individual whistleblowing investigation, stipulating the work to be undertaken.
- 3.7 The whistle-blower is kept apprised of progress throughout the investigation and the outcome is communicated to them at the conclusion of the same.

3.8 Any Internal Audit / External Investigator recommendations resulting from the investigation are communicated to the directorate lead and subsequently monitored by Internal Audit, to ensure that the recommendations are followed.

4.0 REVIEW

4.1 The current Policy and Procedure were drafted in February 2012.

4.2 In a joint consultation between the Council's Organisational Change & Design, Governance & Assurance and Audit, Risk and Business Continuity departments in October 2018, the Council's Policy and Procedure were reviewed, and it was decided that the process should be updated to align itself to both peer and National best practice.

4.3 The current process does not provide the Standards and Constitutional Oversight Committee and the Audit and Risk Management Committee with the level of reporting that will satisfy their oversight responsibilities. Any proposed new Whistleblowing Policy should include an improved reporting structure, which will allow Members to have a better understanding of the nature / volume of the concerns presented to the Council and provide Committee Members with assurance that the appropriate procedures have been followed during each individual investigation.

4.4 Following the consultation, it was agreed that the current process was to be the subject of a formal review project, with the intention of relaunching the Council's Whistleblowing Process in March 2020. The review was subsequently delayed due to the Covid-19 pandemic.

4.5 To assist with the project, the Council engaged the services of the PROTECT charity, who are the leading experts for whistleblowing in the UK.

4.6 PROTECT have supported the whistleblowing review project, to ensure that the Council's new proposed process follows best practice.

4.7 The Council's new draft Policy (Appendix 1) has been reviewed by PROTECT and benchmarked nationally.

4.8 Following the Policy's approval, the Council's managers will receive training upon how the new process is to be operated.

4.9 The new process will then be subject to a formal launch, supported by Members & PROTECT, to ensure that the Council fully embraces whistleblowing as a facet of its risk management portfolio.

5.0 PROTECT

5.1 As a result of the Council's proactive engagement with PROTECT, the Council has been identified by PROTECT as an organisation that embraces the importance of whistleblowing, as a facet of its risk management strategy.

- 5.2 The Council was consequently invited by PROTECT to be a part of their national best practice case study.
- 5.3 The Council's ambition is to be considered by PROTECT as a national champion for its whistleblowing management, by promoting a transparent and supportive process for the communication of all whistleblowing concerns.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are none arising directly from this report.

7.0 LEGAL IMPLICATIONS

- 7.1 The Whistleblowing Policy is necessary for the Council to comply with its obligations under employment legislation: The Public Interest Disclosure Act 1998 (PIDA).

8.0 RESOURCE IMPLICATIONS: STAFFING, ITC AND ASSETTS

- 8.1 There are none arising directly from this report.

9.0 RELEVANT RISKS

- 9.1 That best practice is not complied with.
- 9.2 That concerns are not communicated and consequently remain unidentified by the Council.
- 9.3 That failing to identify and respond to a whistleblowing concern may result in a reputational risk for the Council.

10.0 ENGAGEMENT/CONSULTATION

- 10.1 Officers from the Council's Organisational Change & Design, Governance & Assurance and Audit, Risk & Business Continuity departments, the Trade Unions and PROTECT have been consulted during the whistleblowing review project.

11.0 EQUALITY IMPLICATIONS

- 11.1 Equality implications have been considered and developed as part of the policy review.

12.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 12.1 There are none arising directly from this report.

REPORT AUTHOR: Vicki Shaw
Head of Legal Services
Telephone: 0151 691 8481
Email: vickishaw@wirral.gov.uk

APPENDICES

Appendix 1- Whistleblowing Policy 2020

BACKGROUND PAPERS

Whistleblowing Policy / Procedure 2012

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee	18 th November 2019 Whistleblowing Procedure review Report noted
Audit and Risk Management Committee	23 rd September 2019 Urgent Business Whistleblowing Policy

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Wirral Borough Council Whistleblowing Policy

Introduction

All of us at one time or another has a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the Council itself, it can be difficult to know what to do.

You may be worried about raising a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the incorrect way and are not sure what to do next.

The Council are committed to running the organisation in the best way possible. This policy seeks to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern that you may have at an early stage and in the right way. Rather than wait for proof, the Council would prefer you to raise your concern as soon as you feel able to do so.

This policy applies to all those who work for the Council; whether full-time or part-time, employed, subcontracted, working as a consultant, through an agency or as a volunteer. If you have a whistleblowing concern, you are encouraged to notify us of the same as soon as is practicably possible.

Are you using the correct policy?

If something is troubling you and you think that the Council should know about or investigate it, please use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, you are encouraged to use the grievance or dignity at work policies, which are available on the People pages of the Council's Intranet site:

<https://wbcnet.wirral.gov.uk/people-standards-and-conduct/dignity-work>
<https://wbcnet.wirral.gov.uk/people-standards-and-conduct/grievance>

If you have a concern that relates to financial misconduct or fraud, you are advised to refer to the Anti-Fraud and corruption policy, which is available on the Internal Audit page of the Council's Intranet site:

<https://wbcnet.wirral.gov.uk/news/news/2019/11/18/fraud-awareness-week>

The Whistleblowing Policy is primarily for concerns where there is a risk that is in the public interest. This includes risks to the wider public, customers, staff or to the Council itself.

Public Interest Disclosure Act (1998) (PIDA)

This policy is drafted in line with the provisions of the Public Interest Disclosure Act (1998) (PIDA). The Act protects you from detrimental treatment or victimization by your employer if, in the public interest, you disclose a concern regarding any wrongdoing.

Examples of concerns that you may raise include:

- Data protection issues
- Fraud/Theft
- Breaches of the council's policies and procedures.
- Conflicts of interest
- Safeguarding issues
- Health and safety

Policy Aims

This policy aims to:

- Encourage you to feel confident in raising concerns and to question concerns that you may have about perceived wrong doings
- Provide a clear process in which you can communicate your concerns
- Ensure that you receive a response to your concerns and are aware of how you can pursue the same if you are not satisfied with the Council's response

- Reassure you that if your disclosure is genuine, you will be protected from harassment, reprisals or victimisation by anyone working for or with the Council

Victimisation

The Council is committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course, the Council does not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

Confidentiality

With these assurances, we hope that you will raise your concern openly. However, the Council recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, you are requested to advise the Council of your concern at the outset. If you ask the Council not to disclose your identity, it will not be disclosed without your consent (unless required by law). You should understand that there may be times when the Council is unable to resolve a concern without revealing your identity, for example where personal evidence is essential or in an investigation report to provide context. In such cases, the Council will discuss with you whether and how the matter can be best progressed.

Please remember that if you do not identify yourself (and therefore are raising a concern anonymously) it may be difficult for the Council to investigate the matter. The Council will not be able to protect your position or provide feedback, as it can when a whistle-blower's identity is disclosed at the outset.

How to raise a concern internally

When raising your concern, you need not have firm evidence of malpractice. However, the Council does request that you explain as fully as you can, the information or circumstances that have given rise to your concern.

If you wish to raise the matter confidentially, you are requested to advise the Council of this at the outset, so that appropriate arrangements can be made.

Step one

If you have a concern about malpractice, the Council hopes that you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing in open correspondence or by using the Council's Confidential Reporting Form (CRF1) (Appendix 1), which is available on Whistleblowing page of the Council's Intranet site:

<https://wbcnet.wirral.gov.uk/people-standards-and-conduct/whistleblowing>

Step two

If you feel unable to raise the matter with your manager, for whatever reason, you are encouraged to use the Council's Confidential Reporting Form (CRF1) and send the same to one of the Council's Designated Officers. The list of Designated Officers, with their contact details is available both on the Whistleblowing page of the Council's Intranet site and at Appendix 2 of this policy

These people have been given special responsibility and training for dealing with whistleblowing concerns.

Step three

If you feel unable to raise your concerns with any of the Council's Designated Officers, you can communicate your concerns by completing the Council's CRF1 form and sending it directly to the Councils Director of Law & Governance (the Monitoring Officer).

Step four

If your concern relates to the Councils Director of Law & Governance (the Monitoring Officer) then you should communicate directly with the Council's Chief Executive, again utilising the Council's CRF1 form.

How the Council will respond

Where a concern has been raised under step one or two (above), it will be acknowledged within 5 working days and communicated to the Director of Law & Governance (the Monitoring Officer).

Upon receipt of the concern details, the Director of Law & Governance (the Monitoring Officer) or their appointed representative will write to you, acknowledging your concern and undertake a preliminary investigation.

If the Director of Law & Governance (the Monitoring Officer) is satisfied that the concern raised requires a formal investigation, it will be referred to the Council's Whistleblowing Board.

The Whistleblowing Board consists of senior officers from Law & Governance, Internal Audit and Human Resources.

As soon as is practicably possible, the Whistleblowing Board will consider the concern raised and instruct either an internal or external investigator.

The Whistleblowing Board will write to you to confirm:

1. The details of the appointed investigator
2. Details of how your concern will be investigated
3. Details of the support mechanisms available to you during the investigation

During the investigation the investigator will maintain regular contact with you and where possible, provide a timetable for the investigation.

At the conclusion of the investigation, a report will be sent to the Director of Law & Governance (the Monitoring Officer), outlining the findings of the investigation and provide any recommendations.

Recommendations are sometimes provided to assist the Council in addressing findings that are reported during the investigation.

The Director of Law & Governance (the Monitoring Officer) will then write to you with details of his/her findings.

Additional support for employees

Any employee who raises a concern or is the subject of an investigation under the Whistleblowing Policy can access confidential counselling through the Employee Assistance Programme.

The Employee Assistance Programme is an independent organisation that provides confidential help and assistance including counselling for employees for any personal or work-related issue. Further details are available on the Intranet under 'Employee Assistance Programme':

<https://wbcnet.wirral.gov.uk/people-health-and-safety/employee-assistance-programme>

External Disclosures and Independent Advice

It is the aim of the Whistleblowing Policy to provide you with the reassurance and information that you need to raise your concern internally.

If you would prefer to report your concern externally, you may wish to seek advice from your Trade Union, your regulatory / professional body or from the whistleblowing charity PROTECT. What is most important, is that your concern is raised and considered.

PROTECT can be contacted by telephone on 020 3117 2520 or by email whistle@protect-advice.org.uk and more information about what they do can be found by visiting www.protect-advice.org.uk

Commitment to Equality

This policy addresses the following equality duties:

- Eliminate unlawful discrimination, harassment and victimisation
- To advance equality of opportunity
- To foster good relations between different groups of people

Supporting Documentation

- Confidential Reporting Form (CRF1) (Appendix 1)
- Designated Officer contact details (Appendix 2)

Related Policies

- Grievance

- Bullying / Harassment
- Dignity at Work
- Complaints
- Anti-Fraud
- Information Governance

Consultation

Consultation has been undertaken with the Trade Unions.

Communication and Awareness

This policy is considered:

- Internal (for members, officers, consultants, contractors and volunteers)

All staff must be made aware of and understand the need for this Policy. The Council will send out a clear message about its commitment to ensuring that any concerns raised are investigated and dealt with appropriately. All staff and managers are expected to comply with the terms of this Policy.

Managers will receive training on the management of whistleblowing concerns.

Monitoring and Review

The Whistleblowing Policy will be reviewed every three years by the Whistleblowing Board. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

The Director of Law & Governance (Monitoring Officer) has overall responsibility for the maintenance and operation of the Whistleblowing Policy.

The Director of Law & Governance (Monitoring Officer) has responsibility to ensure all issues raised under this Whistleblowing Policy are investigated thoroughly and in a timely manner.

The Whistleblowing Board will convene bimonthly, to discuss the progress of investigations and identify and address any issues that arise that may hinder or otherwise prevent the timely investigation of the concern(s) raised.

To ensure appropriate Committee oversight, a quarterly report will be prepared by the Whistleblowing Board for the Audit & Risk Management Committee. This report will communicate:

1. The number and nature of whistleblowing concerns raised in the municipal year
2. That the investigations are being effectively monitored / progressed

The Director of Law & Governance (Monitoring Officer) will review the system referred to above and produce and present an annual report detailing any relevant matters and issues arising in connection with the Whistleblowing Policy to the Council’s Senior Leadership team and to the Audit and Risk Management Committee.

The report prepared will not disclose details of any staff (or other confidential information) but will summarise (so far as is possible without undermining or exposing the Council to unacceptable risk or challenge) the number / nature of the concerns raised under the Whistleblowing Policy, details of the service(s) to which the concerns relate and the subsequent outcomes.

The table below sets out the ownership and review schedule for this policy:

Document Ownership	
Policy owned by:	Law & Governance
Policy written by:	Vicki Shaw, Head of Legal Services
Date policy written:	January 2020
Policy due for 1st review:	January 2023

Version Control Table

All changes to this document are recorded in this table.

Date	Notes/Amendments	Officer	Next Scheduled Review Date
29 November 2013	Reviewed and Reformatted	Tony Williams, HR Manager	November 2016
July 2014	Legislative updates and audit recommendation	Tony Williams, HR Manager	July 2017
June & October 2015	Audit recommendation	Tony Williams HR Manager	July 2017
6 June 2016	Update to procedure in relation to anonymous disclosures and contact with Designated Officer. Update to	Tony Williams HR Manager	July 2017
23 March 2017	Job titles of senior officers updated to reflect new operating model. Section 2. Order of paragraphs changed. Section 3. Equalities box inserted.	Jess Bayley, Graduate Officer/Andrea Morrell-Foulkes, HR Officer	March 2020
23 July 2018	Job title Assistant Director: Law and Governance, (Monitoring Officer) changed to Director: Governance & Assurance to reflect senior management structure 1 July 2018	Andrea Morrell-Foulkes, HR Officer	July 2021
8 October 2018	2. Additional Support for Employees Employee Assistance Programme details updated. (Refer to intranet for further info).	Andrea Morrell-Foulkes, HR Officer	October 2021



CONSTITUTION AND STANDARDS COMMITTEE

24th February 2021

REPORT TITLE:	AMENDMENT TO THE CONSTITUTION – HEALTH AND WELLBEING BOARD
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report requests the Committee to consider a minor amendment to the Constitution to update the Terms of Reference for Health and Wellbeing Board, following consultation with the Governance Working Group.

This is not a key decision.

RECOMMENDATIONS

The Constitution and Standards Committee is requested to:

1. consider and comment on the report.
2. recommend to Council that in respect to the Health & Wellbeing Board Terms of Reference as detailed in Part 3b Section 16.4 of the Constitution, that 'Chairing the Board' be revised to read 'The Board will be chaired by the Leader of the Council (or their nominee).'

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Committee is requested to comment on the proposed amendment to the constitution and recommend to Council that it be approved in order to enable the Leader of the Council to delegate the chairing of the Health and Wellbeing Board.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not to recommend the proposed amendments to the Constitution at the present time.

3.0 BACKGROUND INFORMATION

Part 3(B) 16, Health and Wellbeing Board

- 3.1 The Health and Social Care Act 2012 stipulates that each authority's Health and Wellbeing Board must consist of at least one member of the local authority. The appointment of members and the chairing of the Board is at the discretion of the local authority.
- 3.2 The Board's Terms of Reference as set out in the Constitution state that the Health and Wellbeing Board will consist of the following five (5) elected Members of Wirral Borough Council:
1. Leader (or Deputy Leader) of the Council;
 2. The Chair (or Vice Chair) of the Adult Social Care and Health Committee;
 3. The Chair (or Vice Chair) of the Children, Young People and Education Committee;
 4. The leaders (or nominee) of the two largest opposition Political Groups.
- 3.3 The Terms of Reference also state that the Board will be chaired by the Leader of the Council or, in his/her absence, the Deputy Leader. Therefore, the proposed change to the Constitution enables the Leader to delegate the chairing of the Board to another member.

Further Review

- 3.4 This is a minor change to accommodate the currently desired approach with the Council's leadership and is the only change put to the Committee at this point, whilst a wider change is to be proposed shortly as a result of a significant review.
- 3.5 The wider review of the Health and Wellbeing Board is intended to prepare the Council for the changes due as an outcome of the Government's policy paper ('White Paper'), entitled "*Further change is being considered Integration and innovation: working together to improve health and social care for all*". The White Paper proposes that future legislation will place upon the NHS and local authorities a duty to collaborate with each other and bring forward measures for statutory integrated care systems (ICSs). These will be comprised of an ICS Health and Care Partnership, bringing

together the NHS, local government and partners, and an ICS NHS Body. The ICS NHS body will be responsible for the day to day running of the ICS, while the ICS Health and Care Partnership will bring together systems to support integration and develop a plan to address the systems' health, public health, and social care needs.

3.6 In regard to Health and Wellbeing Boards, the White Paper states that:

- 'Health and Wellbeing Boards will remain in place and will continue to have an important responsibility at place level to bring local partners together, as well as developing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, which both HWBs and ICSs will have to have regard to.'
- 'The ICS will also have to work closely with local Health and Wellbeing Boards (HWB) as they have the experience as 'place-based' planners, and the ICS NHS Body will be required to have regard to the Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies that are being produced at HWB level (and vice-versa).'
- 'We also recognise the importance of bringing together ICSs and Health and Wellbeing Boards (HWB) as complimentary bodies at system and place level. ICS NHS Bodies and Health and Care Partnerships will have formal duties to have regard to HWB plans, and we will continue to support and prioritise meaningful integration that makes patient and user journey's smoother.'

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

5.1 The Constitution and Standards Committee is charged by full Council to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the code and protocols.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are no risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The cross-party Governance Working Group has been consulted on the proposed amendments.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report.

REPORT AUTHOR:

Steve Fox
Head of Democratic and Member Services
stevefox@wirral.gov.uk

APPENDICES

None

BACKGROUND PAPERS

Constitution
The Health and Social Care Act 2012

SUBJECT HISTORY (last 3 years)

Council Meeting	Date



CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 24 February 2021

REPORT TITLE:	REVISION OF THE PETITION SCHEME
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report provides the Committee with an opportunity to comment on the Council's pre-existing Petition Scheme and seeks the Committee's support for a review of the scheme to be undertaken for a new scheme, if desired, to be brought back for approval.

A review of the scheme is necessary in order for it to align with the recently changed governance arrangements following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28th September 2020.

This is not a key decision.

RECOMMENDATION/S

The Constitution and Standards Committee is requested to:

1. consider and comment on the report and
2. recommend that a detailed review be undertaken of the existing petition scheme and reported back to the next meeting.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The need for a review of the existing petition scheme to accord with the constitution also affords members the opportunity to consider the scheme in its totality and make any relevant recommendations to be considered as part of the review.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not to review the Petition Scheme at the present time.

3.0 BACKGROUND INFORMATION

- 3.1 The Council's existing Petition Scheme sets out the framework for which residents of the borough are able to submit petitions to the Council, and how those petitions will be dealt with.
- 3.2 The requirement for a Petition Scheme of this kind to form part of the Council's Constitution no longer applies, following the repeal of the requirement to have such a scheme in that form, and was removed from the Constitution in the 2020 re-write introducing the committee system form of governance.
- 3.3 Following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28th September 2020, therefore, the processes set out in the existing Petition Scheme no longer align with the new governance arrangements and remains as an outstanding area to be reviewed.
- 3.4 Accordingly, this report highlights the work to now be undertaken to produce a Scheme, if desired, and to ensure it reflects both the new governance arrangements and the means by which petitions (particularly e-petitions) are to be processed and dealt with effectively.
- 3.5 The Committee is requested to comment on the existing Petition Scheme and considerations for a review of the scheme. The current scheme is attached at Appendix 1.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Constitution and Standards Committee is charged by full Council to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's constitution, including codes and protocols.

5.2 The previous requirement for local authorities to have a Petition Scheme was set out in the Local Democracy, Economic Development and Construction Act 2009, alongside other initiatives such as 'calling to account'. These provisions were generally considered to be difficult to manage in practice and overly prescriptive in detail and were repealed by the Localism Act 2011. The Council's petition scheme was based on those formerly mandatory requirements.

5.3 There is no mandatory requirement for the Council to have a petition scheme.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no resource implications arising from this report.

7.0 RELEVANT RISKS

7.1 There are no risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The cross-party Governance Working Group has been consulted and supports the proposed review.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report.

REPORT AUTHOR: **Dan Sharples**
Principal Democratic and Member Services Officer
telephone: 0151 666 3791
email: danielsharples@wirral.gov.uk

APPENDICES

Appendix 1 – Existing Petition Scheme

BACKGROUND PAPERS

Constitution
Local Democracy, Economic Development and Construction Act 2009

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Wirral Council Petitions Scheme

Types of petition

Petitions can relate to any issue which the Council has powers, or shared delivery responsibilities with our partners. In addition they can relate to an improvement in economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.

In order not to duplicate procedures where established processes exist for communities to have their say the following are excluded:

- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy applications under the Licensing Act 2003 and the Gambling Act 2005
- Petitions received in response to statutory consultation such as school closures, traffic orders, Compulsory Orders etc
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

In this scheme there are 2 types of petitions:

- Petitions that must be considered by the Council – these must be signed by at least 3,000 people who live in the Borough
- Ordinary petitions (that just ask for action to be taken) -100 people who live in the Borough.

Submitting a petition

Petitions submitted to the council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take the name and address and signature of any person supporting the petition;
- The contact details of the petition organiser

All petitions whether paper or electronic, will be monitored by the Head of Legal/Member services, in consultation with the Mayor (in the case of a petition to be discussed at the Council) and with the Leader (in the case of the others) and if considered to be vexatious, abusive or otherwise inappropriate will be rejected.

Issues such as data protection, libel and the statutory requirement as a public body to comply with equalities and anti-discrimination legalisation will also be taken into consideration at this time. If a petition is rejected the petition organiser will be informed of the reasons why it's been rejected.

E- petitions

The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Member Services. In the same way as a paper petition, you will receive an acknowledgement within 14 days.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature [here](#).

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

Procedure for dealing with a petition

Once a petition has been received either electronically or in paper format under this scheme it must be acknowledged within 14 days to the organiser.

This will explain what action is being taken.

In response to the petition the Authority can take the following steps:

- take the action requested in the petition
- consider the petition at a meeting of the Council

- refer the petition to the Cabinet, the Co-ordinating Committee or such other meeting as is appropriate
- provide a written response to the petition organiser setting out the authority's views on the request in the petition

In the case of those to be considered by the Council or the Co-ordinating Committee, the petitioner will be advised of the date and time of the meeting. In the case of the Council the petitioner will be given the opportunity to address the meeting for 5 minutes and the petition will be discussed for a maximum of 15 minutes.

The petitioner will be advised of the action to be taken.

After the appropriate action has been taken the petitioner must be advised of the response and if it was submitted via the website the response must also be published there.

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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 24 February 2021

REPORT TITLE:	MEMBER SUPPORT STEERING GROUP
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report sets out a proposal to combine the work of the Member Development Steering Group and the Equipment Steering Group into one Member Working Group to establish a Member Support Steering Group. The Steering Group is not proposed to necessarily be made up of members of the Constitution and Standards Committee.

RECOMMENDATION/S

The Constitution and Standards Committee is requested to:

- 1) Establish a Member Support Working Group, combining the support work previously undertaken by the Member Development Steering Group and the Equipment Steering Group;
- 2) Submit membership nominations via the Political Groups to the Director of Law and Governance to form the Steering Group on the basis seven members, being:
 - 2 Labour
 - 2 Conservative
 - 1 Liberal Democrat
 - 1 Green Party
 - 1 Independent
- 3) Request the Director of Law and Governance to arrange a meeting of the new Steering Group in March 2021, with quarterly meetings thereafter.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Following the adoption of a new form of governance arrangements for Wirral Council decision making, there is required to be a renewed focus on Member Learning and Development. As with all decisions, it is imperative that elected Members are involved at the earliest opportunity, with pre-decision scrutiny and cross-party engagement. Past practice using the establishment of steering groups, workshops, surveys and consultation has proven successful.
- 1.2 There are currently 2 separate steering groups in existence (Member Development & Equipment) and it is recommended that the creation of a new group, with a larger membership, will enable a more strategic long term approach to develop and support elected Members in their roles. It is anticipated that more frequent meetings will better balance officer capacity and Member availability, improving outcomes for elected Member support.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options considered:

a) retain the existing 2 steering groups; or

b) refer all decisions involving Member Development and Equipment to the relevant Council Committee for consideration on a case by case basis.

- 2.2 In terms of Option a) above, although this approach has worked well in the past, the rapid change of pace in terms of policy (as a result of the change in governance arrangements), and increased use of technology as a result of the COVID pandemic, have increased the need for more Member engagement and focus on aspects of Member Learning, IT and planning for the future.
- 2.3 With reference to Option b), although encouraging broad engagement of elected Members through the Committee timetable, the flexibility and focus of Steering Groups has proved to be a successful method of consensus building on specific issues.
- 2.3 Neither alternative options are supported as viable options for effective delivery of a strategic approach to Member Development and IT management.

3.0 BACKGROUND INFORMATION

- 3.1 The Member Development Steering Group was formally established in the Municipal Year 2016/17, first meeting on 13 December 2016. It currently comprises of 5 Members. Most recently, this group has been meeting 'virtually' on an ad-hoc basis to review Member requests for training and/or attendance at conference. No formal strategic planning had been undertaken since consultation was undertaken as part of

the preparation of a Member Induction Programme for the (postponed) 2020 local elections. The most recent meeting of the Steering Group held on 23 November 2020 – addressed this, and considered a range of subjects that included:

- Member Learning Update Report;
- Members' Portal;
- Member One-to-Ones; and
- Process Flow Chart.

3.2 The Member Equipment Steering Group was established in July 2018 and met on a very occasional and informal basis since its formation. Prior to this, Individual elected Members acted in voluntary roles to test certain IT equipment or prototype software products prior to roll-out to other Members of the Council.

3.3 It is intended that the Steering Group adopts a work programme approach to the monitoring of member learning covering aspects of formal learning and IT e.g. the Member Induction Programme; ad-hoc learning arising from Member requests and/or updates in terms of statutory guidance and procedural changes affecting Council services; and programmed review of Member IT and software products.

3.4 Members views are requested on the size and make up of the new Steering Group. It is suggested that, taking into account the additional workload of a combined group, membership be extended to include seven Members, which would enable representation from all political groups of the Council on a political proportionality of:

- 2 Labour
- 2 Conservative
- 1 Liberal Democrat
- 1 Green
- 1 Independent

Nominations to be provided to the Director of Law and Governance from the Political Groups, with membership drawn from the entire Council, not necessarily or solely from the Constitution and Standards Committee.

3.5 Draft Terms of Reference are attached at Appendix 1.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report. All actions arising from recommendations will be met from existing Member Training and Democratic Services Budgets.

Note: Major IT projects involving procurement of IT equipment or software for Councillors are built into the Corporate Budget – to ensure compatibility across the Council - e.g. Purchase of Surface Pros for Members, Windows 10 upgrade, ModGov Apps, etc.

5.0 LEGAL IMPLICATIONS

- 5.1 Aspects of IT security, GDPR will (must) form part of Member Induction, any recommendations arising from the Steering Group will be ratified by the Constitution and Standards Committee. Such matters will be covered by the Council's existing governance procedures and relevant protocols as summarised in the Council's Code of Corporate Governance and Constitution.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Steering Group administrative support and approved costs will be met from existing Democratic Services and Member budgets.

7.0 RELEVANT RISKS

- 7.1 No specific risks associated with the decision to merge the two Steering Groups. Members are aware of the requirement to be conversant with statutory guidelines and legislation relating to their roles – the mechanism of regular monitoring of legislation and regular review of training opportunities (on an individual and group basis) will mitigate risk of reputational damage to the Council and possible legal challenge or complaints against elected Members.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The role of the proposed amalgamated Steering Group incorporates those of the pre-existing Steering Groups, and general discussion on the proposal has been undertaken with Political Group Leaders and discussed at the Governance Working Group where these Members were in support of the proposed amalgamation.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no equality implications arising from the recommendations contained in this report. Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no environmental or climate implications arising from the recommendations contained in this report.

REPORT AUTHOR: **Patrick Sebastian**
telephone: Tel: 0151 691 8424
email: patricksebastian@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Member Support Steering Group Terms of Reference

BACKGROUND PAPERS

New Member Induction Booklet
Member Learning & Development Booklet
Council Constitution

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Member Support Steering Group

Draft Terms of Reference

Role and Function

The role of the Member Support Steering Group (“the Steering Group”) is to:

- provide cross-party strategic leadership to member learning, development, support so as to enable members to help deliver the Wirral Plan and the Pledges;
- provide cross-party strategic leadership to the member ICT offer to ensure that equipment, software and systems used by members enables them to effectively undertake their duties;
- provide oversight on the development of the Member Portal;
- ensure all members have the requisite skills, knowledge and attributes to be able to meet their varied duties and responsibilities;
- actively promote, encourage and oversee member culture, development and support;
- explore, research, gather insight, examine and develop and implement new innovative methods, approaches and initiatives to improve member culture, development and support.
- drive continuous improvement in member culture, development and support within political groups.

Responsibilities

1. Training and Development

- 1.1. Review and recommend to the Constitution and Standards Committee for consideration, changes/proposals in respect of the ‘Approved Duties’ definition within the Members Allowances Scheme.
- 1.2. Identify, review and agree core member development, training and skills requirements/needs.
- 1.3. Assess requests for training and inform the Head of Democratic Services on the suitability of the request.

2. Champion and Promote Learning

- 2.1. Act as a champion for Member learning and development.
- 2.2. Encourage engagement of members in their learning and development.
- 2.3. Encourage members to identify individual development needs linked to the Council’s priorities and objectives through Personal Development Plans

(‘PDPs’).

- 2.4. Identify, promote and encourage national, regional and local learning and development opportunities for members.

3. Monitor and Evaluate Training

- 3.1. Monitor the level of learning and development activity undertaken by members and political groups.
- 3.2. Evaluate feedback following learning and development training, events, activities and/or arrangements.
- 3.3. Evaluate the value for the council and the individual through undertaking learning and development training, events, activities and/or arrangements.

4. Member Induction

- 4.1. Inform Elected Member Induction arrangements, including training, peer support, local/national development programmes.
- 4.2. Monitor the ongoing support for newly inducted members.

5. Member ICT

- 5.1. Oversee the ICT offer to members including equipment, devices, software and systems.
- 5.2. Encourage members to use the Member Portal and provide feedback on its functionality.

Membership

The Steering Group shall consist of:

- Two Members from the Labour Group;
- Two Members from the Conservative Group;
- One Member from the Liberal Democrat Group;
- One Member from the Green Group; and
- One Member from the Independent Group.

Members of the Steering Group shall also be their respective political group “Member Development and ICT Champion(s)” and as such shall proactively support the work of the Steering Group and drive continuous improvement with regards to member culture, development and support, and act as a point of contact to raise wider ICT issues.

Any Member of the Steering Group is entitled to nominate a deputy (from the membership of their respective political group) to attend meetings of the Steering Group on his/her behalf.

Meetings

The Working Group shall meet as frequently as considered necessary.

Chairperson

The Chairperson and Vice-Chairperson shall be appointed by the Steering Group members at its first meeting in the Municipal Year.

Quorum

Meetings of the Steering Group shall be quorate providing the Chairperson (or Vice-Chairperson) and at least two other Steering Group members (or their deputies) are in attendance.

Access to Information

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

Administration

The Steering Group shall be administered and supported by the Monitoring Officer, Democratic and Member Services and HR/OD as appropriate.

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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 24 February 2021

REPORT TITLE:	CALENDAR OF MEETINGS 2021/22
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report recommends draft dates for Council and Committee meetings for the municipal year 2021/2022 (Appendix 1).

This is not a key decision.

RECOMMENDATIONS

The Constitution and Standards Committee is requested to:

1. consider and comment on the report and
2. recommend to Council that the Calendar of Meetings for the 2021/22 municipal year be approved.

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Council must approve and publish a Calendar of Meetings for each municipal year.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options were considered.

3.0 BACKGROUND INFORMATION

- 3.1 Members are asked to consider the draft Calendar of Meetings for the Municipal Year 2021/22 and provide details and reasons of any changes (if any) they would like to see to the draft Calendar.
- 3.2 Convening an extraordinary Council meeting or changing a scheduled meeting can often prove difficult given the demands placed upon Members. Matters are compounded by the membership of committees, etc being limited to a specific number of Members (and deputies) which impacts upon availability. It is therefore important that the Calendar of Meetings comprehensively captures Council meetings in such a way that it enables the Council to manage and discharge its functions in a timely and cost-effective manner.
- 3.3 Dates are not included in the Calendar for Member training. A programme of dates will be drawn up by the Member Development Steering Group in due course and circulated to Members.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 It is considered good practice for the Council to publish a Calendar of Meetings in respect of each Municipal Year.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Council is required to ensure there are sufficient resources to administer all Council meetings in accordance with relevant legislation and the Council's Constitution.

7.0 RELEVANT RISKS

- 7.1 It is not possible to pre-empt or predict the exact number of Council meetings that are required and when they will need to take place. Additional Council meetings will be convened when necessary (and in accordance with the Council's Constitution) to ensure that the Council discharges its duties, obligations and responsibilities.

8.0 ENGAGEMENT/CONSULTATION

8.1 The development of the Committee Calendar was informed by the discussions had by the Governance Working Group when designing the recently adopted Constitution and committee structure.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report.

REPORT AUTHOR: Dan Sharples
Principal Democratic and Member Services Officer
telephone: 0151 666 3791
email: danielsharples@wirral.gov.uk

APPENDICES

Appendix 1 – Calendar of Committee Meetings 2021/22

BACKGROUND PAPERS

Constitution
Calendar of Meetings 2020/21

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	28 September 2020
Council	18 March 2019
Cabinet	25 February 2019
Council	19 March 2018
Cabinet	26 February 2018

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MAY - 2021/22 CALENDAR OF MEETINGS - v5

Saturday	1	
Sunday	2	
Monday	3	Bank Holiday
Tuesday	4	
Wednesday	5	
Thursday	6	Local Elections
Friday	7	
Saturday	8	
Sunday	9	
Monday	10	
Tuesday	11	
Wednesday	12	
Thursday	13	
Friday	14	
Saturday	15	
Sunday	16	
Monday	17	
Tuesday	18	
Wednesday	19	ANNUAL COUNCIL (PART 1)
Thursday	20	ANNUAL COUNCIL (PART 2)
Friday	21	
Saturday	22	
Sunday	23	
Monday	24	
Tuesday	25	
Wednesday	26	
Thursday	27	
Friday	28	
Saturday	29	
Sunday	30	
Monday	31	Bank Holiday

JUNE

Tuesday	1	Licensing Act Committee; Regulatory and General Purposes Committee <i>Half Term</i>
Wednesday	2	Policy and Resources Committee
Thursday	3	Planning Committee
Friday	4	
Saturday	5	
Sunday	6	
Monday	7	Adult Social Care and Public Health Committee
Tuesday	8	Economy Regeneration and Development Committee
Wednesday	9	Constitution and Standards Committee
Thursday	10	
Friday	11	
Saturday	12	
Sunday	13	
Monday	14	Environment, Climate Emergency and Transport Committee
Tuesday	15	Children, Young People and Education Committee
Wednesday	16	Tourism, Communities, Culture and Leisure Committee
Thursday	17	Shareholder Board
Friday	18	
Saturday	19	
Sunday	20	
Monday	21	Housing Committee
Tuesday	22	Pensions Committee
Wednesday	23	
Thursday	24	Planning Committee
Friday	25	
Saturday	26	
Sunday	27	
Monday	28	Audit and Risk Management Committee
Tuesday	29	Partnerships Committee
Wednesday	30	Policy and Resources Committee

Thursday	1	
Friday	2	
Saturday	3	
Sunday	4	
Monday	5	
Tuesday	6	
Wednesday	7	Health and Wellbeing Board
Thursday	8	Senior Officer Appointments and Staffing Sub-Committee
Friday	9	
Saturday	10	
Sunday	11	
Monday	12	COUNCIL
Tuesday	13	
Wednesday	14	
Thursday	15	Planning Committee
Friday	16	
Saturday	17	
Sunday	18	
Monday	19	COUNCIL (Reserve)
Tuesday	20	
Wednesday	21	<i>School Summer Holidays</i>
Thursday	22	
Friday	23	
Saturday	24	
Sunday	25	
Monday	26	
Tuesday	27	
Wednesday	28	Policy and Resources Committee
Thursday	29	
Friday	30	
Saturday	31	

AUGUST**2021**

Sunday	1	
Monday	2	
Tuesday	3	
Wednesday	4	
Thursday	5	
Friday	6	
Saturday	7	
Sunday	8	
Monday	9	
Tuesday	10	
Wednesday	11	
Thursday	12	Planning Committee
Friday	13	
Saturday	14	
Sunday	15	
Monday	16	
Tuesday	17	
Wednesday	18	
Thursday	19	
Friday	20	
Saturday	21	
Sunday	22	
Monday	23	
Tuesday	24	
Wednesday	25	
Thursday	26	
Friday	27	
Saturday	28	
Sunday	29	
Monday	30	Bank Holiday
Tuesday	31	

Wednesday	1	Policy and Resources Committee
Thursday	2	Tourism, Communities, Culture and Leisure Committee
Friday	3	
Saturday	4	
Sunday	5	
Monday	6	Housing Committee
Tuesday	7	Environment, Climate Emergency and Transport Committee
Wednesday	8	Adult Social Care and Public Health Committee
Thursday	9	Constitution and Standards Committee
Friday	10	
Saturday	11	
Sunday	12	
Monday	13	Children, Young People and Education Committee
Tuesday	14	Economy, Regeneration and Development Committee
Wednesday	15	Regulatory and General Purposes Committee
Thursday	16	Planning Committee
Friday	17	
Saturday	18	
Sunday	19	
Monday	20	Pensions Committee
Tuesday	21	
Wednesday	22	Shareholder Board
Thursday	23	
Friday	24	
Saturday	25	
Sunday	26	
Monday	27	Audit and Risk Management Committee
Tuesday	28	Partnerships Committee
Wednesday	29	
Thursday	30	

Friday	1	
Saturday	2	
Sunday	3	
Monday	4	
Tuesday	5	
Wednesday	6	Policy and Resources Committee
Thursday	7	Senior Officer Appointments and Staffing Sub-Committee
Friday	8	
Saturday	9	
Sunday	10	
Monday	11	
Tuesday	12	Tourism, Communities, Culture and Leisure Committee
Wednesday	13	Adult Social Care and Public Health Committee
Thursday	14	Planning Committee
Friday	15	
Saturday	16	
Sunday	17	
Monday	18	COUNCIL
Tuesday	19	Housing Committee
Wednesday	20	Environment, Climate Emergency and Transport Committee
Thursday	21	COUNCIL (Reserve)
Friday	22	
Saturday	23	
Sunday	24	
Monday	25	<i>Half Term</i>
Tuesday	26	Economy, Regeneration and Development Committee
Wednesday	27	Children, Young People and Education Committee
Thursday	28	Licensing Act Committee
Friday	29	
Saturday	30	
Sunday	31	

NOVEMBER

2021

Monday	1	
Tuesday	2	
Wednesday	3	Health and Wellbeing Board
Thursday	4	Shareholder Board
Friday	5	
Saturday	6	
Sunday	7	
Monday	8	
Tuesday	9	Partnerships Committee
Wednesday	10	Policy and Resources Committee
Thursday	11	Planning Committee
Friday	12	
Saturday	13	
Sunday	14	
Monday	15	Environment, Climate Emergency and Transport Committee
Tuesday	16	Adult Social Care and Public Health Committee
Wednesday	17	Tourism, Communities, Culture and Leisure Committee
Thursday	18	Housing Committee
Friday	19	
Saturday	20	
Sunday	21	
Monday	22	Economy, Regeneration and Development Committee
Tuesday	23	Children, Young People and Education Committee
Wednesday	24	Constitution and Standards Committee
Thursday	25	Regulatory and General Purposes Committee
Friday	26	
Saturday	27	
Sunday	28	
Monday	29	Pensions Committee
Tuesday	30	Audit and Risk Management Committee

DECEMBER

2021

Wednesday	1	Policy and Resources Committee
Thursday	2	
Friday	3	
Saturday	4	
Sunday	5	
Monday	6	COUNCIL
Tuesday	7	
Wednesday	8	Shareholder Board
Thursday	9	COUNCIL (RESERVE)
Friday	10	
Saturday	11	
Sunday	12	
Monday	13	
Tuesday	14	
Wednesday	15	Policy and Resources Committee (Reserve)
Thursday	16	Planning Committee
Friday	17	
Saturday	18	
Sunday	19	
Monday	20	
Tuesday	21	
Wednesday	22	
Thursday	23	
Friday	24	Christmas Eve
Saturday	25	Christmas Day
Sunday	26	Boxing Day
Monday	27	Bank Holiday
Tuesday	28	Bank Holiday
Wednesday	29	
Thursday	30	
Friday	31	

Saturday	1	New Years Day
Sunday	2	
Monday	3	Bank Holiday
Tuesday	4	
Wednesday	5	
Thursday	6	
Friday	7	
Saturday	8	
Sunday	9	
Monday	10	
Tuesday	11	
Wednesday	12	Planning Committee; Senior Officer Appointments and Staffing Sub-Committee
Thursday	13	Policy and Resources Committee
Friday	14	
Saturday	15	
Sunday	16	
Monday	17	Environment, Climate Emergency and Transport Committee
Tuesday	18	Tourism, Communities, Culture and Leisure Committee
Wednesday	19	
Thursday	20	Regulatory and General Purposes Committee
Friday	21	
Saturday	22	
Sunday	23	
Monday	24	Audit and Risk Management Committee
Tuesday	25	Adult Social Care and Public Health Committee
Wednesday	26	Economy, Regeneration and Development Committee
Thursday	27	Housing Committee
Friday	28	
Saturday	29	
Sunday	30	
Monday	31	Children, Young People and Education Committee

Tuesday	1	Pensions Committee
Wednesday	2	Partnerships Committee
Thursday	3	Shareholder Board
Friday	4	
Saturday	5	
Sunday	6	
Monday	7	
Tuesday	8	
Wednesday	9	
Thursday	10	Planning Committee
Friday	11	
Saturday	12	
Sunday	13	
Monday	14	
Tuesday	15	
Wednesday	16	Policy and Resources Committee (Budget)
Thursday	17	Constitution and Standards Committee
Friday	18	
Saturday	19	
Sunday	20	
Monday	21	<i>Half Term</i>
Tuesday	22	
Wednesday	23	
Thursday	24	
Friday	25	
Saturday	26	
Sunday	27	
Monday	28	BUDGET COUNCIL

Tuesday	1	Environment, Climate Emergency and Transport Committee
Wednesday	2	Housing Committee
Thursday	3	Adult Social Care and Public Health Committee
Friday	4	
Saturday	5	
Sunday	6	
Monday	7	COUNCIL (BUDGET RESERVE)
Tuesday	8	Tourism, Communities, Culture and Leisure Committee
Wednesday	9	Economy, Regeneration and Development Committee
Thursday	10	Children, Young People and Education Committee
Friday	11	
Saturday	12	
Sunday	13	
Monday	14	
Tuesday	15	Audit and Risk Management Committee
Wednesday	16	Policy and Resources Committee
Thursday	17	Planning Committee
Friday	18	
Saturday	19	
Sunday	20	
Monday	21	COUNCIL
Tuesday	22	
Wednesday	23	Regulatory and General Purposes Committee; Health and Wellbeing Board
Thursday	24	COUNCIL (RESERVE)
Friday	25	
Saturday	26	
Sunday	27	
Monday	28	Pensions Committee
Tuesday	29	Partnerships Committee
Wednesday	30	Senior Officer Appointments and Staffing Sub-Committee
Thursday	31	Shareholder Board

Friday	1	
Saturday	2	
Sunday	3	
Monday	4	
Tuesday	5	
Wednesday	6	
Thursday	7	
Friday	8	
Saturday	9	
Sunday	10	
Monday	11	Spring Break
Tuesday	12	
Wednesday	13	
Thursday	14	
Friday	15	Good Friday
Saturday	16	
Sunday	17	Easter Day
Monday	18	Easter Monday
Tuesday	19	
Wednesday	20	
Thursday	21	Planning Committee
Friday	22	
Saturday	23	
Sunday	24	
Monday	25	
Tuesday	26	
Wednesday	27	
Thursday	28	
Friday	29	
Saturday	30	

Sunday	1	
Monday	2	Bank Holiday
Tuesday	3	
Wednesday	4	
Thursday	5	Local Elections
Friday	6	
Saturday	7	
Sunday	8	
Monday	9	
Tuesday	10	
Wednesday	11	
Thursday	12	
Friday	13	
Saturday	14	
Sunday	15	
Monday	16	
Tuesday	17	
Wednesday	18	
Thursday	19	
Friday	20	
Saturday	21	
Sunday	22	
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Tuesday	24	
Wednesday	25	
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Friday	27	
Saturday	28	
Sunday	29	
Monday	30	
Tuesday	31	

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CONSTITUTION AND STANDARDS COMMITTEE

24TH February 2021

REPORT TITLE:	Remote Meetings Update
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

This report provides the Committee with an update in respect to the implementation of the programme of remote Committee meetings since April 2020 in direct response to the Covid-19 pandemic following the consideration of a report on this matter at the November 2020 meeting of the Committee.

This is not a key decision.

RECOMMENDATIONS

The Constitution and Standards Committee are requested to consider and comment on the report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Committee are requested to comment on and offer any feedback in respect to the holding and conducting of remote meetings over the course of the last 10 months and to provide Members with the opportunity to share their views on the possibility of holding future meetings of the Council and its Committees by remote or hybrid means. This will be dependent on legislative change when the provisions in the Coronavirus Act 2020 in respect to the holding of meetings cease.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 This report is for information and consultation and therefore no other options have been considered.

3.0 BACKGROUND INFORMATION

3.1 Implementation of the Committee Programme

In spite of the additional demands and challenges placed on Members and Officers by virtue of the Covid-19 pandemic, a full programme of Committee meetings was embarked upon following the adoption of the new Constitution in September 2020 and prior to that, Regulatory Committees and selected other Committees continued to meet between April and September 2020 predominantly to consider planning and licensing matters.

A table of meetings which covers the period April 1st 2020 and 12th February 2021 is listed below:-

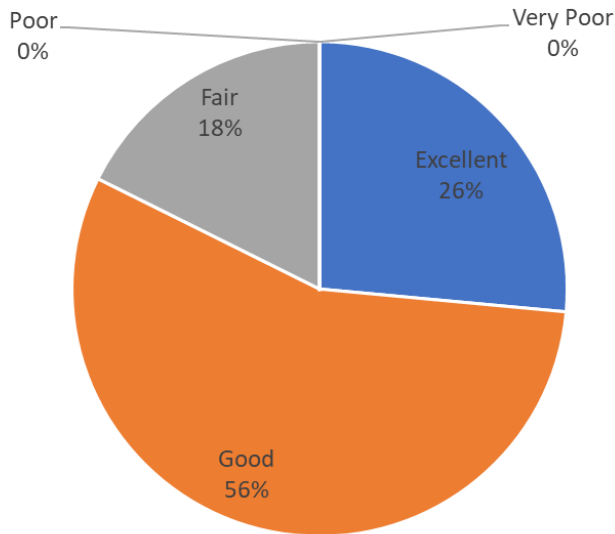
Meeting Type	Number Held
Council and Committee Meetings	85
Working Group/Task & Finish Group	22
Budget Workshops	22
Total	129

The figures above do not include the agenda setting meetings/briefings held for the Chair and Group Spokespersons. Members should also note that during the same period 446 individual Admission Appeals were held by remote means enabling parents to meet and have their cases heard by the Independent Appeals Panel.

3.2 Member Survey

To help inform the Committee's discussions on the holding of Remote Meetings, a survey of all Members of the Council was undertaken to ascertain each individual experience during the past year and to seek views on the future running of Committee Meetings. The full survey results are attached at Appendix 1 to the report, however a summary of the outcomes are listed below. 34 Members responded to the survey which equates to a 54% response rate.

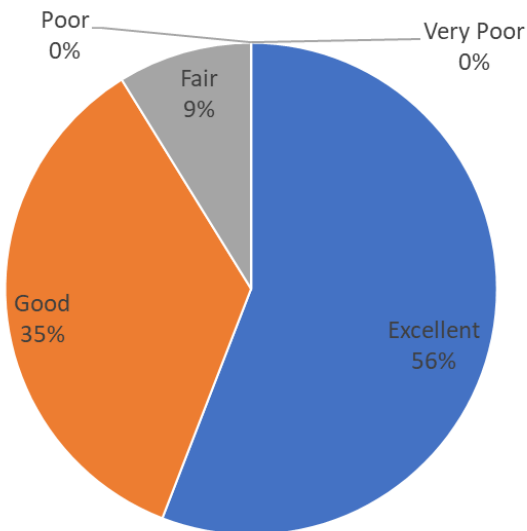
How Would You rate your experience of attending remote committee meetings?



The majority of responses from Members were positive. Further training opportunities on the use of Teams beyond a beginner level will be actioned as well further training for Committee Chairs on using multiple screens.

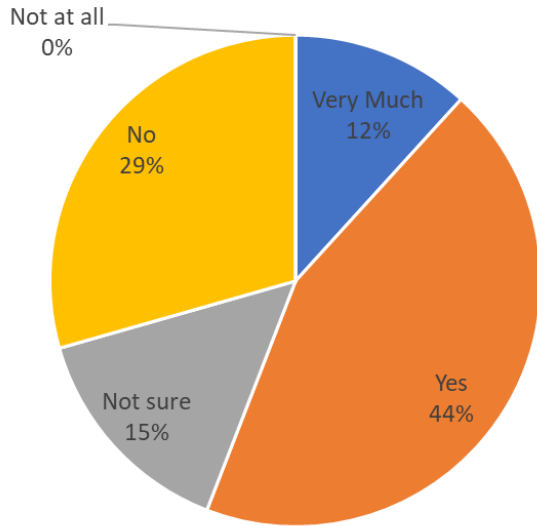
The use of Teams and training on the Remote Meeting Protocol will form part of the New Member Induction process.

Do you feel that IT officer support for remote meetings has been:



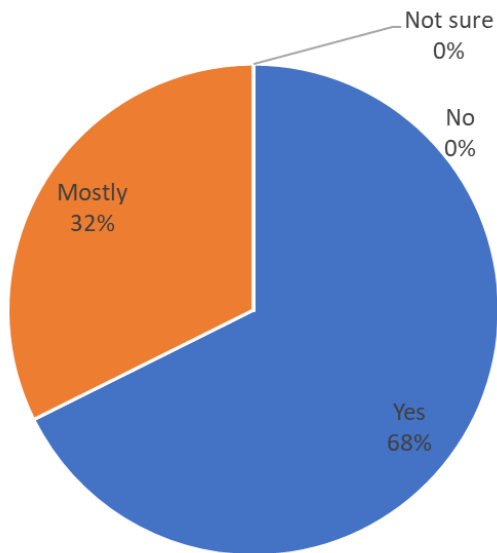
Responses were extremely positive. Reflects well on the training and support provided by IT and Democratic Services Officers to enable Members to participate and adapt quickly to the new ways of working.

Do you feel that remote meetings allow the same level of debate and discourse as meetings held in person?



Whilst concerns were raised in respect to connectivity and the potential loss of Broadband connectivity, on the whole Members felt able to participate fully. There was a difference of opinion to some degree with some Members feeling Remote Meetings were an efficient way of running meetings whilst a comment was made that there were too many meetings and they took too long. On the whole – meetings were well structured.

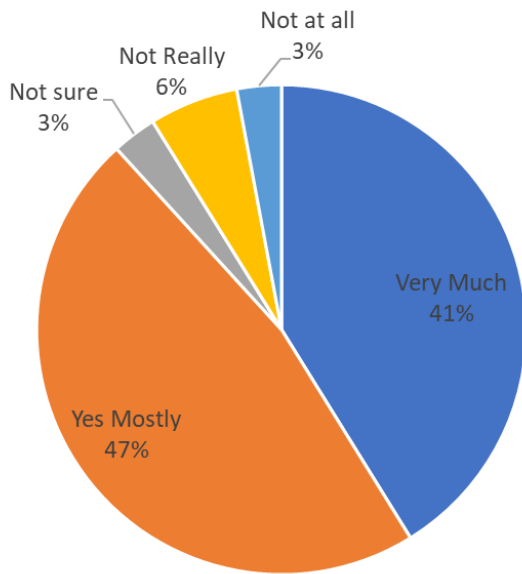
On the whole, do you feel that you have been able to participate fully in remote meetings and express your views and opinions?



Responses to this question highlighted the important role played by the Chair in conducting a successful remote meeting as well as the support provided by the Legal and Democratic Services Officers.

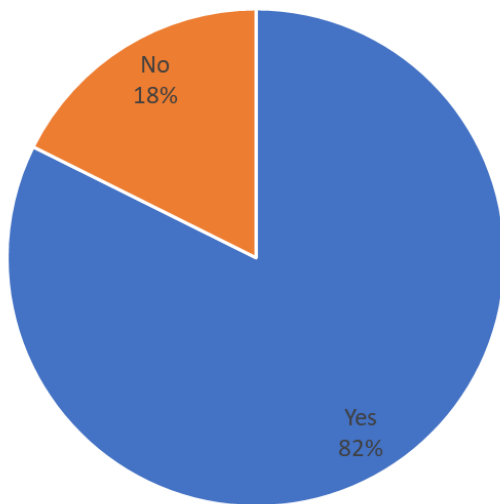
Full participation of the public was also raised as a concern.

Do you believe that the meeting protocols used for remote Committee meetings have worked well?



The need to be very clear with the public about how they can participate was also raised in response to this question. The mechanism by which Members of the public can participate is kept under review and any lessons learnt from individual meetings taken into consideration.

Do you have all the equipment necessary to continue comfortably with remote meetings?



Comments will be fed through the Member Development and Learning Group. Any individual requests can be fed via the Group Officer Managers.

A comprehensive list of the comments received are included in the Appendix to the report for Members to give consideration to. In the broadest terms, the consensus appears to be that Remote Meetings have been successful, but they do present a difficult challenge for the Chair especially for long or potentially contentious meetings such as the Council Meetings.

3.3 Future Meetings

Issues relating to legislative change and the parameters within which meetings can be held post-May 2021 are covered in section 5 of the report. Planning is underway in order to prepare for a number of possible outcomes including a return to meetings in person, the continuation of remote meetings or a combination of the two. Two Council venues which are both currently open and have been assessed as COVID being the Floral Pavilion and Birkenhead Town Hall both of which are viable options for running meetings in person or a hybrid meeting approach. The Floral Pavillion's capacity has been assessed and can accommodate 100 people. Birkenhead Town Hall Council Chamber can accommodate 20-25 people depending on table set up and the Assembly Room 50 people.

Democratic Services Officers and IT Officers are in the process of undertaking site visits to ensure that there is the required infrastructure to webcast any meetings held in either venue. The Head of Democratic & Member Services will provide regular updates to the Governance Working Group representatives.

The Council can only facilitate public meetings were legislation and Public Health guidance allows and any buildings operating to service Member, Officer or public meetings must be Covid-Secure. Subject to legislation, the Council could operate such meetings from the Floral Pavilion and Birkenhead Town Hall, both of which are Covid-secure and meet current guidance relating to working safely during Coronavirus. An assessment of safe capacity has been undertaken at the Floral Pavilion and Birkenhead Town Hall, and has identified that Full Council meetings can be accommodated at the Floral Pavilion with the support of Officers and can include a public gallery should legislation and guidance allow. Smaller meetings such as Committee meetings could also operate from Birkenhead Town Hall in the Chamber or Assembly Rooms.

Democratic Services Officers and IT Officers are in the process of undertaking site visits to ensure that there is the required infrastructure to webcast any meetings held in either venue. Work is also underway to understand the feasibility and technical requirements to facilitate hybrid meetings should legislation allow and should such arrangements be agreeable. The Head of Democratic & Member Services will provide regular updates to the Governance Working Group representatives.

4.0 **FINANCIAL IMPLICATIONS**

- 4.1 There may be a need for additional financial investment in respect to IT provision and webcasting equipment which will be affected by a number of factors which are not yet known. These include but are not limited to:-

- What is and isn't permitted in legislation
- The venue for the holding of meetings/hybrid meetings
- Each individual Members' personal preference/requirements

5.0 LEGAL IMPLICATIONS

- 5.1 Section 78 of the Coronavirus 2020 Act relates to the holding of Local Authority meetings. The regulations make a number of provisions including the times at or by which, periods within which, or frequency with which, local authority meetings are to be held. Additionally, the places at which local authority meetings are to be held, the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings, public admission and access to local authority meetings, the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.
- 5.2 The provision which may be made by virtue of subsection (1)(d) of Section 78 included a particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place. This provision has guided the holding of remote meetings and informed the Remote Meeting Procedure Rules adopted by the Council in July 2020. It should be noted that the regulations make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.
- 5.3 The Committee may wish to note that the professional bodies for Local Government Lawyers and Democratic Services (LLG and ADSO) have been in discussion with the Government and have formed the view that there may be potential scope for the Government to issue secondary legislation to permit remote meetings under existing powers. LLG & ADSO instructed senior counsel to provide an opinion on this matter and following the receipt of that advice, ADSO and LLG issued a joint statement on the 5th February 2021 that they will now prepare to seek a declaration from the courts that the pre-existing legislation governing local authority meetings under Schedule 12 of the 1972 Act, and meetings of an executive or a committee of an executive under the 2012 Regulations, can be held remotely in the way that has been specifically authorised by the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no direct resource implications arising from this report.

7.0 RELEVANT RISKS

- 7.1 There are no risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The cross-party Governance Working Group have discussed the holding and running of Remote Meetings on numerous occasions and all Members have been consulted as outlined at Appendix 1.

9.0 EQUALITY IMPLICATIONS

9.1 There are no equality implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications arising from this report.

REPORT AUTHOR:

Steve Fox
Head of Democratic and Member Services
stevefox@wirral.gov.uk

APPENDICES

Appendix 1 – Members Survey

BACKGROUND PAPERS

Constitution
Coronavirus Act 2020
Local Government Act 1999
Local Government Devolution Act 2016

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Member Survey Results – Remote Meetings

A survey was sent to all Members on Friday 29 January 2021 and was open for a week, closing on Friday 5 February 2021. Each question had a mandatory multiple-choice option and the option to leave further comments. This breakdown shows the results of each question followed by the comments left for that question. 34 Members completed the survey.

Question 1: How would you rate your experience of attending remote committee meetings?

Excellent	Good	Fair	Poor	Very Poor
9	19	6	0	0
26%	56%	18%	0%	0%

Comments:

- “Training for some members who seem to have struggled through some meetings.”
- “Now that people are have gained experience in basic functions i feel that further training could be offered with screen sharing and multiple screens and more intricate functions.”
- “I find Microsoft teams a very useable alternative to conduct meetings!”
- “I think it is important that we try to avoid consecutive meetings without gaps.”
- “Send out the reports/briefings and a reminder invite on the day of the meeting so we are not scrolling through hundreds of emails looking for it”
- “My experience improved when I gained access to a second screen so that I could see documents, the chat and the meeting.
If members were encouraged to keep camera on, it would be more like a meeting where people were present.
The experience of chairing a meeting is much harder remotely, because its hard to just have that quiet word with an officer / legal officer. The officer private chat helps, and some people are great at just turning on their camera when they have a contribution.
Remote meetings can take a lot longer - especially when votes are required. Zoom has a voting function.
Remote meetings of the full Council have been the least satisfactory. Its perfectly possible to attend large meetings, but ones where everyone has to participate / vote become very cumbersome. and lengthy.”
- “Bandwidth issues.”
- “I think we need to introduce a mandatory gap between meetings.
Not having head space between meetings because they are back to back can be a hindrance mom.”

- “Well prepared, good back up for technical difficulties.”
- “Sometimes my home wifi quality dips and people can't hear me. The Council provide BT wifi at my home.”
- “Ok for transactional business, but not really appropriate for more contentious issues, appear to be rather 'overstaffed' - at least two committee clerks and legal officer.”
- “Being able to ascertain the order in which 'hands' were raised. When meetings are 'accepted' the e mail with the'link' disappears? A reminder with the link the day before would be useful.”
- “Receive any additional materials about motions etc at least 24 hours in advance, so time to read and prepare. Receive all reports at least 48 hours before meetings to prepare.”
- “Getting relevant papers to members on time. It's OK for ctees, but sometimes tardy for briefings and working groups.”

Question 2: Do you feel that IT officer support for remote meetings has been?

Excellent	Good	Fair	Poor	Very Poor
19	12	3	0	0
55%	35%	10%	0	0

Comments:

- “Further training as above.”
- “Very difficult as not on site.”
- “To be fair, I've not particularly needed any support so its not informed by experience!”
- “They are as good as can be expected with the tech.”
- “Staff have been excellent in supporting members.”
- “Some IT support is excellent. I spent a lot of time on two 'dongles' that I did not request and have not worked.”
- “Had to use own device on occasion as a back-up.”
- “There is a difference between the 'public' webcast meetings and our 'internal meetings'. The use of 'Question Please" and 'Comment Please' has helped. The use of chat needs to be developed to indicate '@Motion please' or 'Amendment please'.”

Question 3: Do you feel that remote meetings allow the same level of debate and discourse as meetings held in person?

Very Much	Yes	Not sure	No	Not at all
4	15	5	10	0

12%	44%	15%	29%	0%
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Comments:

- “Only when chair doesn't stop you in mid flow.”
- “Nothing wrong with the structure but connectivity and loss of signal can effect quality of the meeting.”
- “There are pros and cons. Member behaviour is better at remote meetings and they are much more time efficient.”
- “In some meetings, particularly licencing panels, when we are interviewing members of the public, it is imperative that we see and well as hear them. (Some are on a phone with voice only)”
- “members talk over each other, nuanced debate is not always possible, hard to read the virtual room and body language.”
- “There are too many meetings and they take too long.”
- “Remote meetings are maybe a bit less free flowing, but the chair can permit the debate in the same way. It can be more difficult because body language is missing!”
- “There is a lost level of nuance.”
- “The remote meetings have been well structured.”
- “There are often people in private and public online meetings - I don't know who they are and they are not introduced. This creates an odd dynamic and probably missed opportunities to add value.”
- “Those meetings that deal with transactional business are fine but the more contentious issues are difficult to deal with. You cannot 'read the room' - a lot of communication is non-verbal, unable to view all committee members at once so miss incredibly important non-verbal cues.”
- “Zoom appears to allow more opportunity to be seen throughout than Teams. It is difficult to judge the mood of the meeting.”
- “Ppt [PowerPoint] presentations best sent in advance of any workshops or meetings, then focus can be on shorter overview and Q&A.”
- “Time of meetings needs to be reduced to 1.5 or 2 hours as far too long on TEAMS.”
- “I think it does instil a little discipline into the proceedings.”
- “It would be helpful if etiquette for commenting and asking questions were stated at the start of each meeting, as this can vary depending on who is involved and how many people.”

Question 4: On the whole, do you feel that you have been able to participate fully in remote meetings and express your views and opinions?

Yes	Mostly	Not sure	No
23	11	0	0

68%	32%	0%	0%
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Comments:

- “The hand raise function is not always visible to the chairperson.”
- “I find a PDF format for meeting papers really useful as I can view them whilst meetings are live.”
- “Sometimes (and I've experienced this once when in the Chair) Teams does not properly display the hands raised, missing people out. I had seen it happen to other people, but only when it happened to me did I realise how difficult it makes the whole process. It made the meeting less efficient by far.”
- “This depends partly on the chair, but I have felt able to participate fully in discussion in all the meetings I have taken part in.”
- “It’s not only my views and opinions that matter. Body language and facial expression has been removed. Participation by the public is much more difficult.”
- “But very dependent on the Chair and the quality of legal support and advice that they are given.”
- “The odd occasion have lost connection.”

Question 5: Do you believe that the meeting protocols used for remote Committee meetings (i.e. asking attendees to keep their cameras and microphones off until asked to speak, use of the “virtual lobby” for members of the public, roll-calls at the start of meetings and use of roll-calls for votes etc) have worked well?

Very Much	Yes Mostly	Not sure	Not Really	Not at all
14	16	1	2	1
41%	47%	3%	6%	3%

Comments:

- “It was stated that a dress protocol was expected but this seems to have diminished.”
- “It was stated that a dress protocol was expected but this seems to have diminished.”
- “We need to be very clear with members of the public as to how they can exercise their rights to participate.”
- “I agree with microphones off as there is often background distractions. I think Video off only assists if that member is having bandwidth issues, which generally shouldn't affect others. That would then members only need to concentrate on turning the mike on when participating.
The roll calls work well and I think sometimes are legally required.”

- “Keep them to 2 hours maximum.”
- “Wirral is the only organisation I'm aware of where it is expected to switch camera's off.”
- “There should be a clear protocol at all meetings, to stop some individuals coming in to speak, without specific invitation from the Chair. Also, anyone invited to speak should be asked to put their camera on. Often, individuals choose to speak, with no camera on. There should be a clear protocol for members requesting permission to speak. Do they type it in the chat box, put the "hand" up, or some other method? All members should be asked to log in to the meeting a few minutes before starting time. Meetings should start on time, rather than wasting time, waiting for some people to log in. All members should be asked to keep their mike switched off, when not speaking, to ensure meetings are not interrupted by barking dogs, phones going off etc.”

Question 6: Do you have all the equipment necessary to continue comfortably with remote meetings?

Yes	No
28	6
82%	18%

Comments:

- “An additional monitor would be handy.”
- “I have all of the above and they have all helped.”
- “Please see my comments about PDF papers.”
- “I don't really want an additional monitor as I have some myself. However it would be good to have the connectivity so that I could connect when necessary myself from the surface pro to a larger screen.”
- “I've been able to use my own monitor and headset thanks. Internet is good.”
- “A Mini DisplayPort to hdmi adapter cable to connect my surface pro to an additional screen. I have an additional screen so no need for the screen just the cable.”
- “Additional monitor please. IT support for the dongle or a working alternative.”
- “Sound quality good but surface pro screen is rather small to work from.”
- “4G WiFi dongle.”

Question 7: Please let us know if you have any further comments you would like to make regarding remote meetings:

- “In general it has worked well but improvements could be added.”
- “I very much hope these will continue in future, especially for meetings with less than 20 people. They save time and energy and avoid a lot of

unnecessary expense. Council staff have done great work to assist with remote meetings for which I am grateful.”

- “I think remote meetings are a safe alternative to F2F meetings and remain essential till such time as "Normal Meetings" can be resumed. My thanks to all the IT staff and officers for their continued support.”
- “Less of them and shorter agendas.”
- “They have some limitations, but they have generally worked adequately to keep democratic debate and decision-making. Reducing unnecessary travel to Wallasey Town Hall and cutting our collective carbon footprint has to be a bonus. With increased familiarity, virtually all members have adapted to the new systems and my perception is that discussion and debate is more courteous and considered.”
- “Remote meetings fit in with eco agenda - less fuel and building fuel used. More people are able to access from home with equipment.”
- “There used to be a lot of valuable business done before and after face-to-face meetings, including on urgent or sensitive matters. Currently the space before meetings formally start is often occupied by banter of minority interest, and the meetings end abruptly. Perhaps there is another way to create those valuable opportunities, such as break out rooms?”
- “Total failure for full Council meetings, long, laborious and just doesn't work for those meetings. It is difficult at Committee meetings but it does seem to work well for all-party briefings and agenda settings etc. I think remote meetings are best for imparting information but face to face meetings are required for those meetings where discussion and debate is necessary. Seems to be a plethora of staff attending meetings - are they really required?”
- “The budget meeting or meetings will test the system to the limit!”
- “Chairs need to manage meetings to time as Members are currently being expected to go over time too often.”
- “I much prefer on-line meetings.”
- “Meetings have been generally more concentrated on the subject matter rather than the usual waffle which takes place in face-to-face meetings. Decisions have been taken more quickly. I much prefer online meetings and the time saved travelling to meetings has also been a bonus.”
- “I wouldn't like to think all future meetings would continue online. I think committee and full council meetings should return to the/a town hall, but briefings and working groups could mainly be held online.”