



Constitution and Standards Committee

Date: Wednesday, 23 June 2021
Time: 6.00 p.m.
Venue: Floral Pavilion, New Brighton

Members of the public are encouraged to view the meeting via the webcast, (see below) but anyone attending in person is advised that seating is limited and will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus.

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AGENDA

- 1. NOMINATION OF CHAIR AND VICE-CHAIR OF THE CONSTITUTION AND STANDARDS COMMITTEE**
- 2. APOLOGIES FOR ABSENCE**
- 3. 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.

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

To approve the accuracy of the minutes of the meeting held on 24 February 2021.

- 5. PUBLIC AND MEMBER QUESTIONS**

Public Questions

Notice of question to be given in writing or by email by 12 noon, Friday, 18 June 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 10.

For more information on how your personal information will be used, please see this link:
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Statements and Petitions

Statements

Notice of representations to be given in writing or by email by 12 noon, Friday, 18 June 2021 to the Council's Monitoring Officer (committeeservices@wirral.gov.uk) and to be dealt with in accordance with Standing Order 11.

Petitions

Petitions may be presented to the Committee. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion, unless a relevant item appears elsewhere on the Agenda. Please give notice of petitions to committeeservices@wirral.gov.uk in advance of the meeting.

Questions by Members

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

6. **PROPOSED MEMBERS' CODE OF CONDUCT 2021 (Pages 9 - 50)**
7. **CHANGE IN GOVERNANCE ARRANGEMENTS: UPDATE ON IMPLEMENTATION (Pages 51 - 56)**
8. **FLAG FLYING PROTOCOL (Pages 57 - 66)**
9. **GUIDING PRINCIPLES FOR ESTABLISHING WORKING GROUPS (Pages 67 - 74)**
10. **APPOINTMENT OF PANELS, STATUTORY/ADVISORY COMMITTEES AND WORKING PARTIES 2021/2022 (Pages 75 - 80)**

CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 24 February 2021
6.00 - 7.40 p.m.

Present: Councillor P Gilchrist (Chair)

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

In attendance: Independent Persons
Mr G Kerr

10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Professor Ronald Samuel Jones, Independent Person.

11 MEMBER DECLARATIONS 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.

12 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 25 November 2020 be agreed.

13 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.

14 LOCAL GOVERNMENT ASSOCIATION - MODEL COUNCILLOR CODE OF CONDUCT

Philip McCourt, Director of Law and Governance, introduced the report which provided detail on a recently published model Councillor Code of Conduct by the Local Government Association (LGA) and sought the endorsement of the

publication and the establishment of a Working Group to review the Council's current Code of Conduct.

The Committee was advised that the Model Code had been developed following a recommendation from the Committee for Standards in Public Life to try to address variations in local codes. A ten-week consultation had taken place to give Councillors and Local Government officers opportunity to feed into the development of the Code, and upon completion it was expected that Councils would adopt it as a minimum, with the provision for additional local variations. It was further reported that the Local Government Association had since recognised that there were areas within the Code that required clarification and had commissioned guidance to be published alongside the code.

Members noted the proposal for close working across the Liverpool City Region to develop a common Code of Conduct and emphasised the desire for Wirral Council's Code to be implemented in a timely manner.

Resolved – That

- (1) the publication of the Local Government Association (LGA) Model Councillor Code of Conduct 2020 be noted and endorsed.**
- (2) the commissioning by the Local Government Association of guidance to better and understand and apply the Model Code be noted and endorsed.**
- (3) the working together across the City region to develop a common Member Code of Conduct across the six councils and three combined authorities be noted and endorsed.**
- (4) a Member Working Group be established to review the Council's current Code of Conduct for Members and make any recommendation for revision to Council.**

15 **WHISTLEBLOWING POLICY**

Philip McCourt, Director of Law and Governance introduced the report which outlined a proposed new Whistleblowing Policy. Members were advised that following a review in 2018, it was agreed that the Whistleblowing process should be updated to align itself to both peer and national best practice. The new draft policy had been reviewed by the charity PROTECT and benchmarked nationally.

Resolved – That

- 1. The contents of the report be noted and the Whistleblowing Policy be approved.**
- 2. the report be referred to the Audit and Risk Management Committee for information.**

16 **AMENDMENT TO THE CONSTITUTION - HEALTH AND WELLBEING BOARD**

Philip McCourt, Director of Law and Governance introduced the report, which detailed a proposed change to the Constitution to enable the Leader of the Council to nominate another member of the Health and Wellbeing Board as Chair of the Board. The Director of Law and Governance further outlined a forthcoming wider review of the Health and Wellbeing Board to prepare the Council for any changes required as a result of the anticipated legislative changes that would require the implementation of a integrated care system with the NHS and the statutory functions this would place upon the Health and Wellbeing Board.

A Member commented that given that the proposed review of the Health and Wellbeing Board had not yet taken place, the alteration could be delayed to await the outcome of such review. In response, the Leader of the Council outlined that consultation with the Local Government Association had been undertaken, and it was deemed good practice to appoint alternative members of the Board as its Chair, including the lead member for Adult Social Care and in some cases the Chair of the Clinical Commissioning Group.

A further discussion ensued in respect to the possibility of enabling the Health and Wellbeing Board to appoint its own Chair, and the suitability of non-Councillors being appointed as Chair. It was suggested that the Health and Wellbeing Board would benefit from the expertise the Chair of the Adult Social Care and Public Health Committee would bring as Chair of the Board, and that the Board would also benefit from the continuity such appointment would allow over and above allowing the Board to appoint its own Chair.

An amendment to the recommendation was proposed by Councillor Phil Gilchrist and seconded by Councillor Steve Hayes, to include 'or another elected member as their nominee'.

Resolved (8:3) – That

it be recommended to Council that in respect to the Health & Wellbeing Board Terms of Reference as detailed in Part 3b Section 16.4 of the Constitution, 'Chairing the Board' be revised to read 'The Board will be chaired by the Leader of the Council (or another elected member as their nominee)'.

17 REVISION OF THE PETITION SCHEME

Philip McCourt, Director of Law and Governance introduced the report which provided the Committee with an opportunity to comment on the Council's pre-existing Petition Scheme and sought support for a review of the scheme to be undertaken and reported back at the next meeting. The Committee was advised that following discussions with the Chair and Group Spokes, it was felt that more time was required to undertake a comprehensive review of the scheme and that reporting back to a later meeting would be more practical.

Resolved – That

the Director of Law and Governance be requested to undertake a review of the existing petition scheme and report back to a future meeting.

18 MEMBER SUPPORT STEERING GROUP

Philip McCourt, Director of Law and Governance introduced the report which set out a proposal to establish a Member Support Steering Group, which would combine the work of the existing Member Development Steering Group and the Equipment Steering Group. It was outlined that the inception of the Equipment Steering Group was to facilitate the transition from paper agendas to devices, therefore following the success of that project the regular monitoring of equipment could be undertaken by one group alongside member learning and development.

It was proposed that the Member Support Steering Group would meet in mid-March in advance of the member induction programme to enable the group to be consulted on the approach to be taken with new members. Furthermore the group would also have oversight on longer term member learning and development, alongside the member portal.

Resolved – That

- 1. a Member Support Working Group be established, combining the support work previously undertaken by the Member Development Steering Group and the Equipment Steering Group.**
- 2. membership nominations be sought 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. the Director of Law and Governance be requested to arrange a meeting of the new Steering Group in March 2021, with quarterly meetings thereafter.**

19 CALENDAR OF MEETINGS 2021/22

Philip McCourt, Director of Law and Governance introduced the report, which recommended draft dates for Council and Committee meetings for the municipal year 2021/22.

Members noted the short period between the May election and the proposed date of Annual Council, and it was suggested that Annual Council (Part 2) be moved to 26 May 2021 to enable further time for the groups to negotiate committee places following the election. Members were advised that moving Annual Council (Part 2) would mean the meetings scheduled for the week commencing 31st May 2021 would need to be rescheduled.

A comment was also made regarding Budget Policy and Resources Committee in February 2022, where it was felt that holding the meeting earlier would enable more time for budget proposals to be developed prior to Budget Council. It was therefore proposed that the Policy and Resources Committee be scheduled a day earlier.

Resolved – That

- (1) the Annual Council Part 2 meeting scheduled for 19 May 2021 be rescheduled to 26 May 2021.**
- (2) The Policy and Resources Committee meeting scheduled for 16 February 2022 be rescheduled to 15 February 2022.**
- (3) delegated authority be given to the Director of Law and Governance to rearrange the meetings scheduled for the week commencing 31 May 2021.**
- (4) Council be recommended to approve the Calendar of Meetings for the 2021/22 municipal year, subject to the aforementioned amendments.**

20 REMOTE MEETINGS UPDATE

Steve Fox, Head of Democratic and Member Services introduced the report of the Director of Law and Governance, which provided 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. The Committee was provided with an update on the latest position following its previous meeting

and informed that for the period from 1 April 2020 to 12 February 2021, 85 Council and Committee meetings had taken place virtually, in addition to 22 Working Group meetings and 22 Budget Workshops. The Head of Democratic and Member Services expressed his gratitude to Democratic and Member Services colleagues, Group Office Managers and ICT officers for their excellent work in delivering remote meetings.

The Committee was also provided with an update on the recently undertaken Member Survey, which had been completed to ascertain the views of members on their experience of remote Committee meetings and their views on the future running of Committees virtually. It was outlined that 34 members had responded, and the key feedback included:

- Further support was required for Committee Chairs;
- There was a good level of support from Democratic Services Officers and IT;
- Members were able to participate fully in remote meetings; and
- Concerns over the duration of virtual meetings.

A further update was provided on the future of remote Committee meetings, where it was explained that the legislative changes required to allow remote Committee meetings to continue once the regulations set out in the Coronavirus Act 2020 expire on 7 May 2021, had not yet been confirmed. Therefore, pending further advice Democratic Services had made arrangements for Committee meetings to take place both remotely and in-person, alongside an additional approach known as “Hybrid meetings” which was a mixture of remote and in-person attendance.

Members expressed their support for the continuation of remote meetings in the short-term to allay anxieties some members may have about returning to in-person meetings. It was outlined that site visits and risk assessments had been undertaken at potential venues, and assurances were given to the Committee that in-person Committee meetings could be delivered safely should they be required.

Resolved - That

- (1) the report be noted.**
- (2) the Director of Law and Governance be requested to update Group Leaders on the progress of the continuation of remote meetings after 7 May 2021.**
- (3) the thanks of the Committee be expressed to officers involved in the facilitating of remote meetings.**

21 **LEARNING FROM EXPERIENCE OF THE NEW CONSTITUTIONAL ARRANGEMENTS**

The Chair explained that he had requested the item to be added to the agenda in order to give members an opportunity to highlight any issues they wished to be considered as part of a future review of the constitution. A discussion ensued and the following points were raised:

- The possible extension of the 1 minute allowed for the introduction of petitions;
- further clarity on what business can be considered via a working group and what business should be discussed in public at Committee; and
- further training on motions, amendments and voting in Committee meetings.

RESOLVED – That

the Director of Governance be requested to progress the comments made by the Committee on the Constitution through the Governance Working Group.

22 **URGENT ITEM: DISPENSATION**

Vicki Shaw, Head of Legal outlined that the Monitoring Officer had received a written request for a dispensation from Cllr Steve Foulkes to enable him to vote on an item at Budget Council in which he had an interest. The interest related to his membership of the Board of Magenta and the outcome of the Policy and Resources Committee decision in relation to community alarms which would be considered by Council.

The Committee was informed that the Localism Act 2011 defined a number of grounds for requests for dispensation, and the request before the Committee was made on the basis that the interest was structural and if the Member left the chamber the representation of different political groups would otherwise be affected so as to alter the likely outcome of any vote. The Head of Legal advised the Committee that should Cllr Foulkes be unable to vote, it could alter the likely outcome of the vote.

Resolved – That

a dispensation be granted to enable Councillor Steve Foulkes to remain in the room, participate in the debate and vote on item 4c at Budget Council on 1 March 2021, in which he has an interest by virtue of his membership of the Board of Magenta.

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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 23 June 2021

REPORT TITLE:	PROPOSED MEMBERS' CODE OF CONDUCT 2021
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The Local Government Association (LGA) published a model Councillor Code of Conduct (Model Code), with corrections 19th January 2021. The nine authorities across the City Region have previously had differently worded codes of conduct, creating the potential for confusion and differing interpretation when acting in a shared capacity. The authorities have therefore been working, involving the advisors producing the LGA Model Code, to produce a shared version of the Model Code. The Code, as adapted for the committee system of Wirral, is proposed for adoption.

Assistance has also been provided in relation to the associated Guidance, expected to be published by the LGA shortly.

RECOMMENDATIONS

That the Constitution & Standards Committee recommends to Council the adoption of the Members' Code of Conduct as attached at Appendix A.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Local Government Association (LGA) has developed the Model Councillor Code of Conduct (Model Code), 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. The Model Code is a template for local authorities to adopt in whole and/or with local amendments developed for English local authorities in response to one of the recommendations of the Committee for Standards in Public Life (CSPL) to the LGA and Government.
- 1.2 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.
- 1.3 Further to the meeting of 24th February 2021, a local version of the LGA model code Model Councillor Code of Conduct has been developed for the authorities within the Liverpool City Region so as to ensure Members and officers working alongside one another or within the joint committees of the councils or one of the combined authorities all operate according to the same understanding and Code. This has already been adopted by some of the authorities, with others likewise being recommended to follow in July 2021.
- 1.4 The LGA is producing supporting guidance to be published shortly. It 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.

1.5

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 one or more of the combined authorities or joint committees.

3.0 BACKGROUND INFORMATION

- 3.1 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's previous Code was adopted on 11 July 2012, which was largely based on the Council's Pre-Localism Code (amended appropriately) and was amended to marry up to the LCR CA code for use across the city-region in September 2020.
- 3.2 As reported to the Committee's meeting of 24th February 2021, the Committee for Standards in Public Life (CPSL) in its January 2020 report into Local Government Ethical Standards included a best practice recommendation for local authorities to the 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, including some to Government that require primary legislation.

- 3.3 Appendix C of the LGA 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.
- 3.4 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 MBC 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.
- 3.5 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. Considering the comments then made it is worth noting that this led to changes being made, including:
 - 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.
- 3.6 An error was contained in an earlier publication and the final version was published on 19th January 2021. It 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.
- 3.7 Discussions with Monitoring Officers from the City Region authorities indicated 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 has led to the production of a revised common Code, which is attached as Appendix A.
- 3.8 It was considered that there may be the opportunity for further engagement but some councils wished to adopt the Code early and so was submitted directly. The remainder are submitting the Code at the same time as at this meeting and are therefore intending to adopt the Code in July 2021.
- 3.9 The differences between the LGA Model Code and the LCR recommended is primarily three issues:
 - (a) A change in the introduction to reflect local circumstance and the LGA explanation.

- (b) A re-ordering of the interests that require disclosure and to leave the chamber or meeting room. The LGA Model Code makes only oblique reference to the concepts of personal and prejudicial interests. This is because, at the ending of the mandatory code of conduct and the development of templates in 2012 to accompany the introduction of the Localism Act, there was a marked difference between those parts of the country that kept the concept of personal and prejudicial interests and those who abandoned those definitions. The LGA Model Code is, therefore, designed to 'cater for all tastes' in the way it is set out. All of the authorities in the City Region retained the definitions of personal and of prejudicial interests, however, and the concepts are thus well understood. For that reason, it was felt to make the Model Code more intelligible and flow better to continue with that approach. The changes made were discussed with those engaged to write the LGA Model Code (Hoey Ainscough as supported by Wilken Chapman Solicitors) who was supportive of the LCR drafted changes.
- (c) The introduction of a set of standard dispensations, which was left out of the LGA Model Code for local consideration. Those set out are reflective of the current standard dispensation and the model used in the previous mandatory code and the current Welsh Code.

3.10 It is considered that there remains some issues with the LGA model Code, not least is definitions and application. Since publication of the Model Code in January 2021, the LGA has commissioned Guidance to be drafted to assist in this process. The Monitoring Officer is one of those supporting Hoey Ainscough in their drafting of the Guidance to the Model Code. At the time of writing the draft guidance was not yet submitted to the LGA for approval and publication. As soon as this set of Guidance documents is available it will be brought to the Committee's attention.

3.11 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 and extensive consultation conducted by the LGA, it is not recommended that further consultation is currently required. Likewise, the LGA has committed to an ongoing and at least annual review of their Model Code. On that basis, it is suggested that this Committee carries out an annual light touch health check upon the publication of the LGA annual review and continue to encourage that such a review also takes place at a City Region level.

4.0 FINANCIAL IMPLICATIONS

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

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 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no significant implications for the Council in changing its Members Code of Conduct.

7.0 RELEVANT RISKS

7.1 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.

8.0 ENGAGEMENT/CONSULTATION

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 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.

9.2 The comments of the Governance Review Working Group in response to the consultation were submitted to the LGA in August 2020.

10.0 ENVIRONMENT AND 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

Appendix A – Recommended Members Code of Conduct 2021

Appendix B – LGA Model Code (January 2021)

Appendix C – Best Practice Recommendations of the Committee on Standards in Public Life (Annexe C to LGA Document)

BACKGROUND PAPERS

- 1) Notes arising from meetings of the Governance Review Working Group

- 2) Report of CSPL on “Local Government Ethical Standards”
- 3) LGA Model Code of Conduct,
- 4) LGA draft and consultation questionnaire
- 5) Wirral Council response to LGA consultation

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	24 February 2020



CONSTITUTION OF THE COUNCIL

Part 5 Section 1

THE MEMBERS CODE OF CONDUCT

Introduction

This Authority and those across the Liverpool City Region have adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members. It is adapted from the Local Government Association (LGA) 2021 Model Councillor Code of Conduct [and Guidance].

The LGA Model Code was introduced by a Joint Statement from the political groups that:

“The role of councillor across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”

The Code sets out general obligations about the standards of conduct expected of Members and co-opted members of the authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 by the Authority on [].

The LGA Model Code is to be reviewed annually and is supported by Guidance [to be issued mid – 2021].

Definitions

For the purposes of this Code of Conduct, a “Member” means a member or co-opted member of a local authority. 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;

For the purposes of this Code of Conduct, “local authority” includes the upper tier councils, town or parish councils and the combined authorities (the Liverpool City Region Combined Authority, the Merseyside Fire and Rescue Authority and the Merseyside Recycling and Waste Authority) together with any joint committee of two or more of the local authorities across the Liverpool City Region.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Member, 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 Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

General principles of Member Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members 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 Member.

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 Member.

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 Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

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

- you misuse your position as a Member; or
- 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 Member.

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 Member.

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.

Standards of Member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. 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

1. Respect

As a Member:

1.1 I treat other Members 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 Member, 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 Members.

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 Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-officer protocol.

2. Bullying, harassment and discrimination

As a Member:

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. Members 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 local authority

As a Member:

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 Member:

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 Member 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 Member:

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

As a Member, 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 Members and/or your local authority and may lower the public's confidence in you 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 Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the local authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Member:

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 Member:

7.1 I do not misuse local authority 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 Member.

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 Member 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 Member:

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 Member 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

9. Interests

As a Member:

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 local authority.

You need to register your interests so that the public, local authority employees and fellow Members 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 Members 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. Pre-Determination or Bias

As a Member I:

10.1 Never place myself under any financial or other obligation to outside individuals or organisations who might seek to influence me in the performance of my official duties.

10.2 Consider all matters with an open mind and make decisions based upon weighing the best evidence before me, fairly and on merit.

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your role as Member. However, you must ensure that your integrity is not compromised.

You may be pre-disposed to a number of outcomes to a decision, based upon your, philosophy, beliefs or political allegiance (including any application of a Group whip), but this must not predetermine your actions or the outcome of a decision you are to make. You

must always remain open to the potential for further evidence or argument to alter any previously expressed or held viewpoint at the time of making your decision. For this reason, particularly in relation to contractual matters or those affecting individuals' civil rights, it is often best to be cautious about how or if your views are expressed before coming to make a decision.

11. Gifts and hospitality

As a Member:

11.1 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.

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

11.3 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 Member. 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 Member, 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 Member. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

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.

Annex 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.

“Standard Dispensation” means a dispensation that has been granted by the Authority relieving the member or co-opted member from the restrictions or obligations under this Code as detailed in **Table 3** below.

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 Member, or a person connected with the Member, 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.

Disclosure and 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 or a Standard Dispensation applies. 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 in exercise of your function as a Member (such as Chair or Vice-Chair or acting as consultee to an officer decision or in attending an informal briefing as Leader, Deputy Leader, Group Leader or Spokesperson), 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 and Non-Registerable Interests (Personal and Prejudicial Interests)

Personal Interests

6. Where a matter arises at a meeting which **affects**:
 - a. your own financial interest or well being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable 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 the interest the following test should be applied

Prejudicial Interests

7. In the following instances, you must disclose the interest and 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.
 - a. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**).
 - b. 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.
 - c. Where a matter **affects** your financial interest or well-being:
 1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
8. 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.

Overview and Scrutiny Committees

9. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's committees, sub-committees, boards, joint committees or joint subcommittees; and
 - (b) at the time the decision was made or action was taken, you were a member of the committee, sub-committee, joint committee, board or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.
10. Paragraph 9 does not prevent you attending and participating in a meeting if you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers.

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	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the local authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member 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 — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member 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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 Member, or his/ her spouse or civil partner or the person with whom the Member 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.

* '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 Registrable 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)

Table 3: Standard Dispensations

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.

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As a councillor:

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- b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
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Protecting your reputation and the reputation of the local authority

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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** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registrable 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:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. 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>
Contracts	<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> <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) band which has not been fully discharged.</p>

Subject	Description
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>
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>
Securities	<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>

- '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)

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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.

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CONSTITUTION AND STANDARDS COMMITTEE

23rd June 2021

REPORT TITLE:	Change in Governance Arrangements: Update on Implementation
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

This report provides the Committee with an update 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 28th September 2020.

The report is divided into three parts:

- Implementation of the Committee programme
- Training Update
- Constitution Review and Work Programme

This is not a key decision.

RECOMMENDATION/S

The Constitution and Standards Committee is recommended to :-

1. Consider and comment on the report and are further requested to nominate Members to sit on the Governance Working Group.
2. Request the Director of Law & Governance to convene meetings of the Independent Remuneration Panel to consider the issues raised in section 3.3 of the report with a view to submitting an outcomes report to this Committee in Autumn 2021.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Committee are requested to comment on the implementation of the new Constitution and the change in governance arrangements thus far and to agree the appointment of a Governance Working Group to consider any proposed changes/updates to the Constitution so as to enable recommendations of that Group to be submitted to future meetings of the Constitution and Standards Committee for consideration.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not to appoint a Governance Working Group at the present time.

3.0 BACKGROUND INFORMATION

3.1 Implementation of the Committee Programme

Despite the challenges presented by the Coronavirus Pandemic, the Council was able to run a full programme of Council and Committee Meetings since the Annual Council Meeting in September 2020 through to the Elections in May 2021. Meetings were held remotely and Members and member of the public were enabled to fully participate in the democratic decision making process. In March 2021, following consultation with the Constitution & Standards Committee, the Council approved a Council and Committee Meeting programme for 2021/2022 based on the Policy & Resources Committee and Planning Committee meeting on a four-weekly cycle with the majority of the remaining Committees meeting on a six-weekly cycle.

Each of the Committees are supported by scheduled briefings between the Chair and Group Spokespersons with relevant Directors (and other Senior Officers) to inform agenda planning and Committee work programming. The frequency of such meetings is determined by the respective Chairs and Group spokespersons.

At the time of writing, Council and Committee meetings have started to meet in the Floral Pavilion commencing with Mayor Making on the 19th May 2021. All Meetings are held in accordance with the Floral Pavilion Risk Assessment and the Committee Meeting Risk Assessment which has been shared with all Members of the Council in order to offer Members peace of mind that the latest public health guidance is being followed.

3.2 Training Update

One of the key elements of the project plan for the change in governance arrangements was to implement a training programme for both Members and Officers.

Examples include:

- A focus on support new Committee Chairs and aspiring Committee Chairs.

- A re-modelling of the Member Steering Group and more frequent meetings of that Group
- The creation of a library of training materials for Members accessible through the Member Portal
- The production of member training booklet bringing together a variety of internal and external training opportunities for Members into one easy to use resource
- A restructure of Democratic and Member Services Officers to afford more support to the Member Learning and Development process
- The creation of a Report Authors Resource on the intranet – to support officers in the report writing process and a means to improve the consistency and quality of reports. Support by an Officer Group acting as a critical friend

The New Member Induction Programme was also reviewed earlier in the year in preparation for the Local Elections in May 21. As a result of the Elections, there were ten newly elected Councillors. The induction programme has almost wholly been run remotely this year with the exception of the first meeting where Members attended personally to sign their declaration of Office and meet with the Chief Executive. An outcomes/learning report will be presented to the Member Steering Group later this year and New Members will be consulted and views sought in respect to the running of the programme. Both will inform the plan for 2022

3.3 **Constitution Review**

Previously when undertaking work on the draft Constitution, Members of the Governance Working Group identified a number of issues which they wished to consider in greater detail after the Annual Council meeting. Officers have also identified issues that they would like Members to give further consideration to. With that in mind, the Constitution and Standards Committee are requested to nominate Members to sit on a Governance Working Group and further request the Director of Law and Governance to make arrangements for the that group to discuss the following:-

- Review of the Petition scheme/deadline for submission (The Committee has previously agreed that a report will be submitted to the September Meeting of the Committee)
- A discussion in respect to the Media Guidelines

A number of Members have asked that further consideration be given to the role of the Partnerships Committee. Members of the Committee are requested to identify any further issues that they would like the Working Group to consider.

There are also a number of issues which Council had previously requested the Independent Remuneration Panel (IRP) to consider at an appropriate time, added to which a number of further requests have been raised with the Director of Law & Governance. The Committee are requested to agree to the issues detailed below and add any further issues that they would like the IRP to report back on:

- Special Responsibility Allowance for Vice Chairs
- Special Responsibility Allowance for the Chair of the Decision Review Committee

- The level of Special Responsibility Allowance for the Group Leaders who are not one of the three largest Groups
- To review the Travel and Subsistence Scheme
- The provision of a Special Responsibility Allowance for the Independent Member of the Audit & Risk Committee

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report

5.0 LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report.

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 Whilst there are no direct risks arising from this report, not appointing a Governance Working Group would have implications for Member oversight and engagement. Similarly, should the Independent Remuneration Panel not meet as requested by the Council, the further analysis/scrutiny of the Members' Allowances Scheme would be adversely affected.

8.0 ENGAGEMENT/CONSULTATION

8.1 Member have been engaged in respect to a number of the issues outlined in this report. Members will be fully consulted on any future changes to the Constitution and the intention is to increase the frequency of meetings of the Member Learning & Development Group.

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
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APPENDICES

N/A

BACKGROUND PAPERS

Constitution
Member Learning & Development Booklet

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Meeting	28th September 2020
Constitution and Standards Committee	25th November 2020

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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday 23 June 2021

REPORT TITLE:	FLAG FLYING PROTOCOL
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The report provides the Constitution and Standards Committee with an overview of the current Flag Flying Protocol as adopted by the Standards and Constitutional Oversight Committee in October 2016, and an opportunity to review the Protocol in light of further guidance from the Ministry of Housing, Communities and Local Government on flying of the Union Flag.

RECOMMENDATION/S

The Constitution & Standards Committee is recommended to comment on the report and agree that a detailed review be undertaken of the existing Flag Flying Protocol by the Governance Working Group and that a further report be submitted to a future meeting.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The need for a review of the existing Flag Flying Protocol is to ensure that it is fit for purpose and accords with new national guidance on the flying of the Union Flag.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not to review the Flag Flying Protocol at the present time.

3.0 BACKGROUND INFORMATION

- 3.1 On 4 October 2016, the Standards and Constitutional Oversight Committee approved a revised protocol in relation to the flying of flags at Wallasey and Birkenhead Town Halls. The aim was to standardise procedures and to consult members on the content of the Flag Flying Protocol.
- 3.2 Following its adoption, the day-to-day management of the flying of flags at Wallasey and Birkenhead Town Halls has been overseen by Committee Services in accordance with the protocol.
- 3.3 On 26 March 2021 the Secretary of State for Housing, Communities and Local Government wrote to all Leaders and Chief Executives in England to advise on newly published guidance on the flying of the Union Flag from UK Government buildings and encouraged local authorities to fly the Union Flag more frequently.
- 3.4 The letter outlined the Ministry of Housing, Communities and Local Government's intention to amend the Control of Advertisements regulation for England to permit double flagging without the need for express consent, to allow other flags to be flown alongside the Union Flag on the same flagpole, providing the Union Flag is in the superior position.
- 3.5 The Ministry of Housing, Communities and Local Government would also be allowing flags in support of the NHS to be flown without the need for express consent, as well as removing the current exemption for the flying of the EU flag following the UK's departure from the EU.
- 3.5 Therefore, the Constitution and Standards Committee is asked to consider Wirral Council's existing Flag Flying Protocol and ensure that it is fit for purpose.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from this report.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The day-to-day management of the flying of flags at Wallasey and Birkenhead Town Halls is overseen by Committee and Civic Services.

7.0 RELEVANT RISKS

7.1 If the Flag Flying Protocol is not kept up to date there is a risk that the Council could potentially fly flags not in accordance with national guidance.

8.0 ENGAGEMENT/CONSULTATION

8.1 It is suggested that the Constitution and Standards Committee delegates consideration of reviewing the Policy to the Governance Working Group.

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
email: danielsharples@wirral.gov.uk

APPENDICES

Appendix 1 – Flag Flying Protocol

Appendix 2 – Union Flag Priority

BACKGROUND PAPERS

Letter from Secretary of State for Housing, Communities and Local Government
Civic Handbook

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Protocol for Flag Flying

Once adopted, the day to day management of the flying of flags at Wallasey and Birkenhead Town Halls will be exclusively overseen by Committee and Civic Services in accordance with the content of this protocol.

The Union Flag is to be flown at full mast at both Town Halls all year (together with other flags in accordance with the protocol, for example the Royal British Legion flag for Remembrance in November). At sites where 1 flagpole exists, the Union flag will be flown; 2 poles - the Union flag and Wirral flag; and 3 poles - the Union flag, Wirral flag and St George's flag shall be flown.

The Union Flag will be flown at full mast at both Town Halls on the following occasions (flag flying days):

February 6	Her Majesty's Accession
March *	Commonwealth Day (second Monday in March)
April 21	Queen's Birthday
April 23	St George's Day (together with the Cross of St George)
May *	Election of Mayor
June *	Queen's Official Birthday (Saturday in June)
June 2	Coronation Day
June 10	Duke of Edinburgh's Birthday
October 21	Trafalgar Day
October 24	United Nations Day (part of U.N. week)
November *	Remembrance Day (second Sunday in November)
November 11	Armistice Day
November 14	Prince of Wales's Birthday
November 20	Her Majesty's Wedding Day

Note:

* = date fixed annually

Flags should be flown at half-mast [i.e. two-thirds of the way up the flagpole, with at least the height of the flag between the top of the flag and the top of the flagpole] at the Town Halls on the following occasions:

- From the announcement of the death until the funeral of the Sovereign, except on Proclamation Day, when they are fully hoisted from 11am to sunset.
- The funerals of members of the Royal Family, subject to special commands from Her Majesty in each case.
- The funerals of foreign Rulers, subject to special commands from Her Majesty in each case.
- The funerals of Prime Ministers and former Prime Ministers of the United Kingdom, subject to special commands from Her Majesty in each case.
- Any other occasion where Her Majesty has given special command.

If a flag flying day coincides with days for flying flags at half-mast, flags should be flown right up:

- although a member of the Royal Family, or a near relative of the Royal Family, may be lying dead, unless special commands are received from Her Majesty to the contrary, and
- although it may be the day of the funeral of a Foreign Ruler.

When a flag is to be flown at half-mast it should first be raised all the way to the top of the mast, allowed to remain there for a second and then be lowered to the half-mast position. When it is being lowered from half-mast it should again be raised to the top of the mast for a second before being fully lowered.

When a British national flag is at half-mast, other flags on the same stand of poles should also be at half-mast or should not be flown at all.

On days that are not subject to the existing flag regulations, the local authority flag, together with the Union Flag may be flown.

Where a building has two or more flag poles and both flags (Union and Wirral) are to be flown, the Union Flag will take precedence i.e. the most superior position.

The Local Authority (Wirral) Flag should be flown:

- On the day of a meeting of the Council.
- Civic Sunday.
- Whenever the Mayor holds an official reception and on other occasions according to local custom.

If a Union Flag Day (see dates above) occurs on a day when the local authority's flag is flying at half-mast, the Union flag will be flown at half-mast in its place.

Other Flags

- Commonwealth Day, second Monday in March, the Commonwealth Flag can be flown
- Europe Day, 9 May, the European Union Flag can be flown.
- The Armed Forces Flag can be flown for one week every year in support of the nation's armed forces. The date each year to coincide with armed forces week 20 to 27 June.
- The Rainbow Flag can be flown every year in support of the Pride Movement and to demonstrate the Council's commitment to equality and the inclusion of all its citizens. The date is agreed each year to coincide with other national and/or local events.
- Remembrance in November; Royal British Legion Remembrance Flag should be flown from the Launch of the Poppy Appeal until after Armistice Day (Remembrance Day).
- Formal visits by other authorities or royal visitors – the Union and the local authority flag can be flown together with the flag of the visiting authority and/or the royal visitor (if appropriate).

The Mayor and Leader will jointly consider and determine any request to fly a flag on the Town Halls where it is not set out in the Policy (e.g. International sporting events).

Questions and Approval

No flag flying activity by, or on behalf of the Council, is to be undertaken without the approval of the Mayor. The Mayor and Leader will be consulted on all matters relating to the Flag Protocol and any questions should be submitted in writing to the Mayor's office.

Review

This Protocol will be reviewed periodically to ensure that it remains fit for purpose.

Note: The Lord Chamberlain's Department issues a list of Flag Days on which UK Government buildings should fly the national flag. Whilst Council buildings are not "Government buildings" in the strict sense, it is sensible for local authorities to follow the guidance from the Lord Chamberlain's Department. The guidance does not prevent the Union flag (or national flag) being flown on any other day that the Council feels appropriate or desirable.

British Flag Protocol Website:

<http://www.flaginstitute.org/wp/british-flags/flying-flags-in-the-united-kingdom/british-flag-protocol/#index21>

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UNION FLAG - PRIORITY

	<p>Where there are two or more flagpoles parallel to the building line, the senior national flag should be the first flag on the left of an observer facing the main entrance of the building. The remaining flags then appear in order of precedence from left to right.</p>
	<p>Where there are two or more flagpoles on the forecourt of a building angled to the main entrance, the senior national flag should be flown on the outermost pole when the flagpoles are to the left of the main entrance and on the innermost pole when the flagpoles are to the right of the main entrance, as shown.</p>
	<p>If one flagpole is higher than the rest, then the senior national flag can fly from that flagpole; however no non-UK national flags can be flown on the other flagpoles. These can be used for more junior flags such as county and house flags.</p>

FLAGS AT HALF MAST

	<p>Half-mast means the flag is flown two-thirds of the way up the flagpole, with at least the height of the flag between the top of the flag and the top of the flagpole. Flags cannot be flown at half-mast on poles that are more than 45° from the vertical.</p>
<p>A Stand of Flags at Full-mast</p>	
	<p>When a British national flag is at half-mast, other flags on the same stand of poles should also be at half-mast or should not be flown at all. Flags of foreign nations should not be flown, unless their country is also observing mourning.</p>
<p>The Same Stand at Half-mast</p>	<p>NOTE: <i>flying of the Union Flag at half-mast this may only happen from 1) the announcement of the death until the funeral of the Sovereign, 2) announcement of the death until the funeral of a member of the Royal Family styled 'Royal Highness', 3) on the day of the announcement of the death and on the day of the funeral of other members of the Royal Family, Foreign Rulers, Members of Parliament and ONLY when subject to special commands from the Sovereign in each case.</i></p>
	<p>For all other <i>announcements relating to the death of e.g. a Member of the Council, a Mayor of the Borough, an Honorary Freeman of the Borough, the Local Authority Flag ONLY will be flown at half-mast. See flag flying protocol for full details.</i></p>

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CONSTITUTION AND STANDARDS COMMITTEE

23rd June 2021

REPORT TITLE:	Guiding Principles for Establishing a Working or Task & Finish Group
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

This report is presented for comment on suggested guiding principles that the Council's Committees should consider when establishing Working or Task & Finish Groups, which may be established by Committees from time to time in order to develop recommendations, or to investigate issues of interest relevant to policy development.

This is not a key decision.

RECOMMENDATION/S

The Constitution and Standards Committee is recommended to:

1. note and comment on the guiding principles detailed at Appendix 1 to the report; and
2. agree that the *Guiding Principles for Establishing a Working Group or Task & Finish Group* document be circulated to all Policy Committee Chairs & Group Spokespersons and Senior Officers to assist them when determining if they wish to establish such Groups.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

Wirral Council's Constitution outlines that Panels, Forums, Working Groups, Liaison and Task & Finish Groups may be established by Committees. The purpose of such groups is to examine in detail specific issues or aspects of policy, procedure or service, according to their remit.

This document has been developed to:

- ensure Committees are fully utilising the opportunities to have Working Groups.
- provide a consistent approach to the running of Working Groups.
- manage the impact of Working Groups on officer and member capacity.

2.0 OTHER OPTIONS CONSIDERED

Not to produce the *Guiding Principles for Establishing a Working Group or Task & Finish Group* document for consideration. However, it is hoped that Members will welcome the background and key considerations detailed in the document when determining if they wish to establish any Groups.

3.0 BACKGROUND INFORMATION

The Council Constitution enables Committees to set up time limited Working, Task & Finish or Advisory Groups (Part 3 B - *Responsibility for Functions* :Section 2 refers) to develop recommendations or to investigate specific issues of interest.

Following the adoption of the Constitution at the Annual Council meeting in September 2020 a number of Council Committees have utilised this approach to develop policy and to support the budget setting process. In excess of 60 Working Groups and Task & Finish Groups were held between Sept 2020-March 2021.

The holding of such meetings has proved to be popular as a mechanism to allow greater time for issues to be considered and discussed by Members in detail, outside of the formal Committee setting and allowing for an outcomes report and recommendations the being submitted for consideration to formal meetings. It should be noted that there is also the option with such groups to continue to hold meetings by remote means as opposed to in person. A consequential impact associated with the success of the additional meetings has been that greater pressure has been placed on Member and Officer time and capacity. Therefore, it is hoped that the suggested principles will assist all Committees in managing both the number of groups established but also to add some degree of consistency across the Committees.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The ability to establish Working and Task & Finish Groups is Part 3, Section B of the Council Constitution. It should be noted that such groups do not have to comply with political proportionality requirements. The relevant Committee shall specify terms of reference and membership, which may include invited persons holding relevant expertise or knowledge and Members who are not members of the parent Committee.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no direct resource implications arising from this report other than to make reference to the fact that the number of Working or Task & Finish Groups that any Committee determines it wishes to hold has a consequential impact on staffing, placing demands on officer time both in the relevant Directorate but also Democratic and Member Services Officers.

7.0 RELEVANT RISKS

- 7.1 Whilst there are no direct risks arising from this report, it is drafted with the intention of supporting Members and Committees when determining whether or not to establish a group to mitigate against the possible duplication of work and effort and to make the most efficient use of Member and Officer time.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The purpose of the report is to consult Members of the Constitution and Standards Committee.

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:

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APPENDICES

Appendix 1 - Guiding Principles for Establishing a Working Group

BACKGROUND PAPERS

Constitution

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

GUIDING PRINCIPLES FOR ESTABLISHING A WORKING GROUP

This document sets out the guiding principles that Wirral Council's Committees should consider when considering the establishment of Panels, Forums, Working Groups, Liaison and Task & Finish Groups.

For the purposes of this document, all bodies will be referred to as Working Groups.

This document has been developed to:

- Ensure Committees are fully utilising the opportunities to have Working Groups.
- Provide a consistent approach to the running of Working Groups
- Manage the impact of Working Groups on officer and member capacity

What is a Working Group?

Wirral Council's Constitution outlines that Panels, Forums, Working Groups, Liaison and Task & Finish Groups may be established by Committees. The purpose of such working groups is to examine in detail specific issues or aspects of policy, procedure or service, according to their remit. These groups do not take any decisions but inform the deliberations of the committees. Their membership may include councillors from each party, non-councillors by invitation and, occasionally, employees.

They shall be for specific purposes and shall be time limited. They will only be established when the matter cannot be undertaken by a relevant Committee and each committee is limited to establishing [two] such committees at any one time.

Considerations when Establishing a Working Group

When deciding whether to establish a Working Group, it is suggested that the Committee should give consideration to a number of factors as outlined below.

a) Is the topic related to Policy Framework, Policy Development or Budget?

Committees should be mindful that two active working groups are permitted at any one time, therefore topics relating to Policy Framework, Policy Development or Budget matters should be prioritised. Committees should also consider any requests or suggestions for topics referred to them from Council or Policy & Resources Committee.

b) Is the topic a priority in the Council's Plan?

Priority should also be given to topics that are included in the Council Plan.

c) Are there any other mechanisms to review the topic?

There are a variety of other tools at the disposal of Committees that may be more appropriate for a particular topic. These include but are not limited to:

- One off workshops
- Submission of an officer report to Committee
- Informal briefings with Officers
- Briefing notes to be circulated outside of the Committee
- Site visits

d) Is the review timely?

Working Groups can be added to the Committee work programme in order that they are scheduled at the most opportune time, such as to coincide with the budget setting process, cross thematic work or national policy developments.

e) When was the last time the topic was reviewed?

Committees should consider when a topic was last reviewed, as well as whether other committees or services have undertaken any similar work to avoid unnecessary duplication.

f) What is the desired outcome?

Working Groups should be focused with a desired outcome of making clear recommendations to the parent committee and where appropriate, Policy and Resources Committee.

Setting up the Working Group

If after considering all of the above factors a Committee is of the view that a Working Group is the mechanism to provide the best outcomes for a given topic, the Committee should ensure that the Working Group scope has been clearly defined. Consideration should be given to the following:

a) Appointment of the Chair and Members of the Group

The Chair and members of the Working Group should be appointed based on the topic for review. Members of the group may have a special knowledge or interest in the subject being considered. It is not required that Working Groups are politically proportionate.

Panels will require a Chair to lead the review, chair meetings and report on progress. The Chair can either be appointed by the parent committee or at the first meeting of working group/task finish.

b) Agreeing the Scope of the Working Group

At the first meeting of the Working group, members should agree a clearly defined scope for the review topic having regard to the request from Committee. This will allow officers to better understand the desired outcomes and present more timely and pertinent information to the Working Group.

A draft scope document should be prepared by officers in advance of the first meeting for members' consideration. A standard template has been created.

c) Number and frequency of Meetings

The number of meetings will depend on the scope and methodology of the review. A draft timetable will be presented for consideration at the first meeting of the Working Group. Where possible, all reviews should be concluded during the course of the municipal year.

Meetings will be scheduled to fit in with Members availability unless evidence gathering can only be achieved at specific times. Members availability will be taken into consideration, and a 'best fit found', however in some cases the review will need to proceed at times without all members being able to attend. The decision to proceed will be at the discretion of the Chair.

Confidentiality should be maintained throughout the evidence gathering process and findings should be used only for the purpose of the review and final report.

d) Officer Support

The Group will be supported by Democratic and Member Services Officers, and officers from the relevant directorate.

Outcome of the Working Group

On completion of the review, the Panel will produce a final report with clear recommendations to present to the relevant Policy and Service Committee for consideration. If the Working Group is unable to unanimously agree the recommendations, they should be subject to a vote. That vote, and the alternative considered and rejected should be included in the final report to the parent committee. In certain circumstances, where the Working Group feel it is required to allow proper consideration by the parent committee, the group may produce a majority and minority report and recommendations.

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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 23 June 2021

REPORT TITLE:	APPOINTMENT OF PANELS, STATUTORY / ADVISORY COMMITTEES AND WORKING PARTIES 2021/2022
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The purpose of this report is to enable the Constitution and Standards Committee to review the continuing need for various panels, statutory / advisory committees and working parties, and to appoint members and named deputies to serve on those (including the statutory committees and panels) that are to be retained in 2021/2022.

RECOMMENDATION/S

The Constitution and Standards Committee is requested to authorise the Monitoring Officer as proper officer to carry out the wishes of the Group Leaders in allocating Members to membership of the Statutory and Advisory Committees listed in the report and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Committee is required to appoint the membership of various panels, statutory / advisory committees and working parties, which fall under its remit at the start of each Municipal Year.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options considered include not appointed to the statutory and advisory bodies or appointing a different number of members.

3.0 STATUTORY COMMITTEES AND PANELS

- 3.1 The following statutory committees and panels, all of which have full delegated authority, were retained during 2020/2021.

3.2 Standards Panel and Standards Appeals Panel

Sub-Committees of between three (3) and five (5) members of the Constitution and Standards Committee with responsibility for arrangements under which decisions can be made on an allegation that a Member of the Council or its committees has breached the Members' Code of Conduct.

The Committee or a Panel may regulate, where necessary, its own procedures to deal with any matter arising in connection with its duties, provided that the procedures remain in accordance with the principles set out at Article 13 of this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere, a Panel acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, and the decision making may thereafter be taken in private adjournment.

It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

4.0 ADVISORY COMMITTEES AND WORKING PARTIES

- 4.1 The following is a list of advisory and consultative bodies that were retained or created in 2020/2021 to assist the Committee in its work.

(i). **Members Support Steering Group**

(This group was established by the Committee on 24 February, 2021, by the merger of the former Member Support and Members' Equipment Steering Groups)

The role of the Group is to:

- provide cross-party strategic leadership to member learning, development, support so as to enable members to help deliver the Refreshed Wirral Plan 2021-2026 and its themes;
- 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.

5.0 FINANCIAL IMPLICATIONS

5.1 There are none arising directly from this report.

6.0 LEGAL IMPLICATIONS

6.1 There is a requirement under the Council's Constitution to appoint Members to various panels, advisory committees and working parties.

7.0 RESOURCE IMPLICATIONS: ICT; STAFFING AND ASSETS

7.1 There are none arising directly from this report.

8.0 RELEVANT RISKS

8.1 If the Council does not appoint to its statutory bodies there is a risk that it will fail to fulfil its statutory duties.

9.0 ENGAGEMENT / CONSULTATION

9.1 It is for political groups to decide how they wish to allocate their committee places.

10.0 EQUALITIES IMPLICATIONS

10.1 There are none arising directly from this report.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

11.1 There are none arising directly from this report.

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BACKGROUND PAPERS

Constitution

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	24 February 2021
Council	28 September 2020
Council	14 May 2019
Council	15 May 2018

**STATUTORY AND ADVISORY COMMITTEES, WORKING PARTIES
AND PANELS – MEMBERSHIP FOR 2020/21**

(1) STATUTORY COMMITTEES AND PANELS

(a) CONSTITUTION AND STANDARDS COMMITTEE

(i). Standards Panel

Cllr Chris Carubia (Liberal Democrat)

Cllr Paul Hayes (Conservative)

Cllr Steve Hayes (Independent)

Cllr Chris Cooke (Green)

Labour – in order of preference:

1. Janette Williamson
2. Jean Robinson
3. Chris Jones
4. Jean Stapleton
5. Gill Wood
6. Adrian Jones
7. George Davies
8. Sam Frost

(ii). Standards Appeal Panel

Formed of those members of the committee who were not involved in any matter considered by the Standards Panel Meeting.

(2) ADVISORY COMMITTEES AND PANELS

(i). Member Support Steering Group

Jean Robinson

Stuart Whittingham

Jenny Johnson

Phil Gilchrist

Pat Cleary

Steve Hayes

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