

CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 17 February 2022

Present:

Councillor	P Gilchrist (Chair)	
Councillors	C Cooke	M McLaughlin
	C Jones	P Stuart
	S Foulkes	Jones
	K Greaney	Kerr
	S Williams	McCosh
	J Williamson	T Anderson (In place of T Cox)
	P Hayes	

25 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Tony Cox who was deputised for by Councillor Tom Anderson.

26 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 the agenda and, if so, to declare them and state what they were.

The Independent Persons Mr J McCosh, Professor Jones and Mr G Kerr declared interests in item 9 Appointment of Independent Persons as Mr J McCosh, and Mr G Kerr were up for reappointment. All three left the meeting during consideration of this item.

27 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 14 December 2021 be agreed.

28 PUBLIC AND MEMBER QUESTIONS

The Chair reported that there had been no public questions, statements or petitions submitted.

29 REVIEW OF THE COMMITTEE SYSTEM

The Head of Legal Services introduced the report of the Director of Law and Governance which provided the Committee with an update on the progress

made by the Governance Working Group in respect of the review of the committee system and associated constitutional changes.

The Chair reported that following discussions held by the Governance Working Group, further information had been received in relation to the membership of the Audit and Risk Management Committee and on the frequency of the meetings. The Head of Democratic and Member Services explained that feedback had been received from the Head of Internal Audit following a conversation he had held with the Chair and group spokes of the Audit and Risk Management Committee.

Members sought clarification on the advice provided and the Head of Legal Services outlined the suggestion of 6 members on the Committee which would meet four times a year.

The Chair suggested that the Governance Working Group could discuss this further in due course.

The following was then moved by Councillor Phil Gilchrist and seconded by Councillor Janette Williamson.

‘That the committee welcomes the detailed work undertaken by the Governance Working Group to date. Members have also had sight of and been made aware of the views of the Independent Panel.

Having considered the progress made Committee is clear that Members have balanced the issues of workload, the pressures on officers, the needs of Members to make fully informed decisions, as well as the concerns set out by the Independent Panel.

In this regard Members understand the concerns set out by the Panel regarding the nature and necessity for matters to be reported to the committees. This matter is best addressed by the relevant Chairs and spokes in discussion with officers best placed to offer advice and guidance on the pressures and constraints of time and resources that they face.

In the light of these considerations Committee is of the opinion that the following structural changes to the Council’s Constitution should take place –

- (a) The Urgency Committee should be dissolved, and its functions absorbed by the Policy & Resources Committee.
- (b) The Housing Committee be dissolved, and its Terms of Reference be absorbed by the Economy Regeneration and Development Committee.

- (c) The number of Policy and Services Committees should remain at six taking account of the majority view expressed at the working party.
- (d) The Decision Review Committee should be dissolved, and the call-in provisions removed.
- (e) The Partnerships Committee should be dissolved, and its statutory functions and other relevant functions be absorbed into the relevant Policy Committees.
- (f) That Council be recommended to resolve to appoint no overview and Scrutiny committee under s9JA of the Local Government Act 2000.
- (g) Appointment of all Deputy Chief Officers, including Assistant Director Grades, be delegated to the Chief Executive as Head of Paid Service.
- (h) The diary of meetings should now be revised to reflect this proposed structure. Members have considered the issue of reducing the number of meetings per year but believe the balance struck is correct and does allow for members to operate effectively.
Members have received advice on the specific issue of the frequency of meetings of the Audit Committee and, having regard to the views expressed and relayed to us, accept the view that there is confidence that they can function with four scheduled meetings.
- (i) Further consideration be given to the advice offered by the Independent Panel on committee size when Members meet to consider the results of the local elections and the size of Policy and Service committees. The practice of excluding the Constitution and Standards Committee, Senior Officers and Appointments & Staffing sub-committee and Regulatory Licensing Panels from political balance, as agreed at the working group be endorsed.
- (j) The view of the Independent Panel on the size of the Audit Committee be accepted and acted upon as part of the deliberations referred to in paragraph(h).
- (k) The rules for the Licensing Act Committee and its panels, as considered by the working group, be endorsed

Members place on record their appreciation of the work of the Chair and Members of the Partnership Committee for the contribution to the work of the Council.

Members have carefully considered the request that Housing Committee should be the subject of a standing sub-committee. Having heard the arguments this committee considers that this would complicate the proposed structure and that the members of the Economy, Regeneration and Development Committee are best placed to determine how their agenda can be shaped to cover appropriate issues.

Members also recognise the importance of keeping committee agendas to a manageable level and advises that Committee Chairs and Spokespersons should agree that items relating to the monitoring and implementation of the budget should be given the highest priority at this time in the interests of financial stability. This will not preclude policy development or reports on issues that show clear progress where implications might be addressed.

Officers are expected, however, to respond to reasonable requests to update Members on the development of policies that help meet the objectives of the Wirral Plan.

In order to respond to concerns about workload reports should always be succinct, with the recommendations outlined and explained, so that the subject matter clearly adds value. As a consequence, the provision of reports that merely 'note' issues should be discouraged.

In order to have these measures in place by Annual Council a further meeting of the Governance Working Party be held, and a special meeting of this committee be held to:

- (a) Review the proposed terms of reference for the Policy and Service Committees. In preparing these officers are asked to take account of the views of Chairs regarding this distribution as highlighted during this past year.
- (b) Give further detailed consideration to the replacement of the controversial decision ('dissent') procedure with the draft provisions in Annexe B to ensure that the process is able to meet the needs and concerns of Members, the expressed view of the Governance Working Group on the need for a 'majority vote', along with the concerns raised by the Independent Panel.'

Councillor Tom Anderson moved an amendment, which was seconded by Councillor Paul Hayes, as follows:

Deletion of 'six' and its replacement with 'five' in relation to the number of Policy and Services Committees.

Following a debate and Councillor Phil Gilchrist having replied, the amendment was put and lost (3:8).

Councillor Paul Stuart moved an amendment, seconded by Councillor Janette Williamson, as follows:

Deletion of 'discouraged' and its replacement with 'prohibited' in relation to reports to Committee for noting.

Following a debate and Councillor Phil Gilchrist having replied, the amendment was put and carried (9:2).

Councillor Paul Stuart then moved an amendment as follows:

The inclusion of 'that the revised Committee System be subject to a further review in the next municipal year.'

Councillor Phil Gilchrist accepted the amendment to his motion.

The substantive motion, as amended, was then put and agreed by assent. It was therefore –

Resolved – That

the committee welcomes the detailed work undertaken by the Governance Working Group to date. Members have also had sight of and been made aware of the views of the Independent Panel.

Having considered the progress made Committee is clear that Members have balanced the issues of workload, the pressures on officers, the needs of Members to make fully informed decisions, as well as the concerns set out by the Independent Panel.

In this regard Members understand the concerns set out by the Panel regarding the nature and necessity for matters to be reported to the committees. This matter is best addressed by the relevant Chairs and spokes in discussion with officers best placed to offer advice and guidance on the pressures and constraints of time and resources that they face.

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- (l) The Urgency Committee should be dissolved, and its functions absorbed by the Policy & Resources Committee.**
- (m) The Housing Committee be dissolved, and its Terms of Reference be absorbed by the Economy Regeneration and Development Committee.**
- (n) The number of Policy and Services Committees should remain at six taking account of the majority view expressed at the working party.**
- (o) The Decision Review Committee should be dissolved, and the call-in provisions removed.**
- (p) The Partnerships Committee should be dissolved, and its statutory functions and other relevant functions be absorbed into the relevant Policy Committees.**
- (q) That Council be recommended to resolve to appoint no overview and Scrutiny committee under s9JA of the Local Government Act 2000.**
- (r) Appointment of all Deputy Chief Officers, including Assistant Director Grades, be delegated to the Chief Executive as Head of Paid Service.**
- (s) The diary of meetings should now be revised to reflect this proposed structure. Members have considered the issue of reducing the number of meetings per year but believe the balance struck is correct and does allow for members to operate effectively.**

Members have received advice on the specific issue of the frequency of meetings of the Audit Committee and, having regard to the views expressed and relayed to us, accept the view that there is confidence that they can function with four scheduled meetings.
- (t) Further consideration be given to the advice offered by the Independent Panel on committee size when Members meet to consider the results of the local elections and the size of Policy and Service committees. The practice of excluding the Constitution and Standards Committee, Senior Officers and Appointments & Staffing sub-committee and Regulatory Licensing Panels from political balance, as agreed at the working group be endorsed.**

- (u) The view of the Independent Panel on the size of the Audit Committee be accepted and acted upon as part of the deliberations referred to in paragraph(h).**
- (v) The rules for the Licensing Act Committee and its panels, as considered by the working group, be endorsed**

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- (d) Give further detailed consideration to the replacement of the controversial decision ('dissent') procedure with the draft provisions in Annexe B to ensure that the process is able to meet**

the needs and concerns of Members, the expressed view of the Governance Working Group on the need for a ‘majority vote’, along with the concerns raised by the Independent Panel.’

The revised Committee System will be subject to review in the next municipal year.

30 CALENDAR OF MEETINGS 2022/23

The Chair proposed that this item be deferred to the next meeting to enable Head of Democratic and Members Services to make the necessary revisions required following what the Committee had just resolved when considering agenda item 5.

Resolved– That this item be deferred to the next meeting of the Committee.

31 REVISED MEMBERS' CODE OF CONDUCT

The Head of Legal Services presented the report which outlined the minor amendments which had been made to The Local Government Associations model Councillor Code of Conduct (model code) on 19th January 2021 and presented the new local version of the model code incorporating the changes to be adopted.

Resolved – That Council be recommended to adopt the revised Members’ Code of Conduct.

32 SUMMARY OF STANDARDS COMPLAINTS

The Head of Legal Services presented the report which provided a summary of Standards complaints received under the Members’ Code of Conduct and Protocol for dealing with complaints against Members between 1 November 2020 and 31 October 2021.

Members expressed pleasure that all complaints included in the summary had been concluded.

The cost of investigations that were undertaken by external investigators was queried by a member. The Head of Legal Services stated she was unable to give the exact figure but would share this information with members.

Resolved – That the summary of standards complaints set out in appendix 1 be noted.

33 **APPOINTMENT OF INDEPENDENT PERSONS**

The Head of Legal Services presented the report which sought approval for the re-appointment of four Independent Persons to sit as co-opted members of the Constitution and Standards Committee.

The Independent Persons Mr J McCosh, Professor Jones and Mr Kerr who had declared interests in item 9 Appointment of Independent Persons as Mr McCosh and Mr Kerr were up for reappointment, left the meeting during consideration of this item.

All members were in favour of re-appointing the current Independent Persons.

Resolved – That Council be recommended to appoint the following Independent Members to the Constitution and Standards Committee for a period of four years:

**Mr G Kerr
Mr J McCosh
Mrs A Lloyd-Prince
Mr A Wilson**