



Constitution and Standards Committee

Date:	Thursday, 17 February 2022
Time:	6.00 p.m.
Venue:	Floral Pavillion, Marine Promenade, New Brighton, CH45 2JS

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Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending 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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This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTERESTS**

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

3. **MINUTES (Pages 1 - 2)**

To approve the accuracy of the minutes of the meeting held on 14 December 2021.

4. PUBLIC AND MEMBER QUESTIONS

Public Questions

Notice of question to be given in writing or by email by 12 noon, Monday 14 February 2022 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:
[Document Data Protection Protocol for Public Speakers at Committees | Wirral Council](#)

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question/statement by the deadline for submission.

Statements and Petitions

Statements

Notice of representations to be given in writing or by email by 12 noon, Monday 14 February 2022 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.

Please telephone the Committee Services Officer if you have not received an acknowledgement of your question/statement by the deadline for submission.

Questions by Members

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

- 5. REVIEW OF THE COMMITTEE SYSTEM (Pages 3 - 30)**
- 6. CALENDAR OF MEETINGS 2022/23 (Pages 31 - 48)**
- 7. REVISED MEMBERS' CODE OF CONDUCT (Pages 49 - 70)**
- 8. SUMMARY OF STANDARDS COMPLAINTS (Pages 71 - 74)**

9. APPOINTMENT OF INDEPENDENT PERSONS (Pages 75 - 78)

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CONSTITUTION AND STANDARDS COMMITTEE

Tuesday, 14 December 2021

6.00 - 6.57 p.m.

Present:

Councillor P Gilchrist (Chair)

Councillors C Cooke

S Williams

T Cox

J Williamson

C Jones

P Hayes

S Foulkes

P Stuart

K Greaney

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Moira McLaughlin, Professor Ronald Jones and Mr Grahame Kerr.

2 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 were made.

3 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 30 September 2021 be agreed.

4 PUBLIC AND MEMBER QUESTIONS

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

5 REVISION OF THE PETITION SCHEME

The Director of Law and Governance introduced the report which provided the Committee with a proposed revised petition scheme for consideration and adoption. The scheme as presented to the Committee provided members with a range of options for inclusion in the final scheme to be recommended to Council, these included:

- The time allowed to present a petition
- The required notice period for a petition to be considered by a Committee or Council

- The inclusion of a call for evidence for officers and members and if so the number of signatories required to trigger it
- The inclusion of a full council debate and if so the number of signatories required to trigger it
- The inclusion of an option to prevent repetitive petitions
- The inclusion of a right to review
- Options for how the Council will respond

The Chair sought the views of members on each of the options presented for discussion within the proposed scheme. Following detailed discussions on the various options, the Committee agreed that –

- Petitions should be presented 10 working days in advance of a meeting, with Chairs having final discretion
- 3 minutes be permitted for the introduction of petitions
- Call for evidence was not required
- A petition with 5,000 signatures triggers a debate at Council
- Council should not consider a matter further if a petition has been received on the same issue within the previous 6 months
- No right to review be included

It was proposed by Councillor Phil Gilchrist, seconded by Councillor Paul Stuart, that the Director of Law and Governance be authorised to amend the revised petition scheme to reflect the comments of the Committee and the updated scheme be referred to Council for decision. The motion was put and agreed by assent. It was therefore –

Resolved – That the Director of Law and Governance be authorised to amend the revised petition scheme to reflect the comments of the Committee and the updated scheme be referred to Council for decision.



CONSTITUTION & STANDARDS COMMITTEE

17th February 2022

REPORT TITLE:	REVIEW OF THE COMMITTEE SYSTEM
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report provides the Committee with an update on the progress made by the Governance Working Group in respect to the review of the committee system and associated constitutional changes.

The report also provides further information in respect to the External Assurance Governance Review undertaken by Ada Burns on behalf of the Department for Levelling Up, Housing and Communities (DLUHC), a report produced by the Local Government Association following meetings they had held with the Political Groups on the Council and the outcomes of an anonymous member survey which was undertaken to inform member discussion.

This is not a key decision.

RECOMMENDATIONS

The Constitution and Standards Committee is recommended to:

1. consider and comment on the currently proposed amendments to the committee governance arrangements of the Council as presented in Appendix 1 of the report; and
2. authorise the Director for Law and Governance, in consultation with the Member Governance Working Group, to develop and draft changes to the Constitution to be presented to Council for adoption for the 2022/2023 municipal year.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Committee is invited to comment on the outcomes/proposals to date as discussed by the Member Governance Working Group, which was requested to undertake this review at the request of the Constitution and Standards Committee at their meeting in September 2021. The results of that review are now presented for consideration.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Various options are open to the Committee in adopting Constitutional changes and amended committee terms of reference. A comparison of the Council to other top tier councils operating a committee system were the subject of two reports to the Governance Working Group.
- 2.2 The Committee may consider it more appropriate that it makes a formal recommendation to Council of the proposed changes to the Constitution as fully drafted rather than it be a matter of delegated authority to the Director in discussion with the Working Group. If so, one or more extraordinary meetings of the Committee will be called in March or April, following which the recommended changes would be presented directly to the Annual Meeting of Council for approval, to take effect for that municipal year, instead of to the preceding ordinary Council meeting of 21st March as currently timetabled.

3.0 BACKGROUND INFORMATION

3.1 Governance Working Group: Review of the Committee System

- 3.1.1 The Governance Working Group have held a number of meetings to which Group Leaders were also invited. In addition to the planned review, this has been given added direction by the recommendation of the External Assurance Governance Review, undertaken by Ada Burns on behalf of the Department for Levelling Up, Housing and Communities (DLUHC), a report produced by the Local Government Association following meetings they had held with the Political Groups on the Council and the outcomes of an anonymised member survey which was undertaken to inform Member discussion, all of which are set out below
- 3.1.2 In its decision to adopt a committee system form of governance arrangements the Council determined its objectives in doing so, and a primary purpose of the Constitution was to be:
- **Accountability** – responsibilities and accountability should be clear, within the Council and to residents;
 - **Credibility** – governance should assist good decision making, which involve proper and early scrutiny;
 - **Transparency** – the decision-making process should be open and transparent to Members and to the public;

- **Collaboration** - decision making should be collaborative across parties and less combative; and
- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

This accords with that in the Guidance that accompanied the introduction of the Local Govt Act 2000 of local governance arrangements of being efficient, transparent and accountable (as defined below).

3.1.3 The discussion was framed around a report to the Working Group setting out the potential governance arrangements for policy committees. For clarity, the statutory Guidance defined "policy committee" as meaning any committee appointed under section 102 of the Local Government Act 1972 which is not a regulatory committee, an area committee or an overview & scrutiny committee. These may be described in different authorities in different ways, and are described in the wider executive sense at Wirral Council as policy and services committees, but for these purposes as a generic policy committee. The advice set out that:

- (a) The policy committee functions naturally divide into three areas
 - (1) corporate direction and resourcing;
 - (2) adults, health, children and family; and
 - (3) place, communities and neighbourhoods.
- (b) This is the minimum structure of committees and should be the starting point for conversation and actions. Comparable councils then subdivide the latter two groups of functions into other committees.
- (c) The statutory guidance issued with the Local Government Act 2000 stated that, for councils with a committee system form of governance, arrangements take the broad form of no more than five committee(s) of the local authority with delegated functions from the full council to implement the policy framework and to put proposals to the full council for future policies and budgets. The relevant excerpt is copied in section 5 below and this was advised should be the starting point of any such conversation.
- (d) It is also founded in practice. There are currently nine unitary or London borough councils/metropolitan borough councils with a committee system. Of these:
 - 1 council has three policy committees (Kingston),
 - 2 councils have four policy committees (Reading and Sutton),
 - 3 councils have five policy committees (Brighton & Hove, Hartlepool and Reading)
 - 2 councils have six policy committees (Cheshire East and Barnet)
 - 1 council has seven policy committees (Wirral)

3.1.4 Similarly, a paper was presented to the working group providing comparative information and guidance concerning decision review and removal of delegation mechanisms as well as the adoption of overview and scrutiny arrangements. This pointed out that most of the comparator councils, of which there are ten, had no

provision for any sort of decision review. Of those that did, the provisions were of a 'call-in' kind with all having access barriers higher than that at Wirral Council.

3.1.5 As a Council with a committee system form of governance, there is no requirement to have any overview and scrutiny committee function. The legislation now provides a choice for councils with a committee system as to whether to apply the overview and scrutiny provisions or not. If it does, there is a specific set of Regulations designed for committee system overview and scrutiny that the Authority must apply.

3.1.6 The discussions of the Governance Working Group continue, which will result in detailed drafting instruction and preparation of constitutional changes for presentation to Council. Whilst there was not necessarily unanimous agreement on all matters, the key changes for consideration that currently reflect a majority view of Working Group are attached as **Appendix 1** to this report. The changes are subject to consultation within the political groups and further discussion within the Governance Working Group.

3.2 External Assurance Governance Review

3.2.1 The Council has adopted the comments and recommendations of the External Assurance Review commissioned by the Secretary of State as a response to the Council's request for extraordinary financial assistance (capitalisation). The Review was made up of two reports, on finance and on governance. The Governance Report was conducted by Mrs Ada Burns and submitted in September 2021. The report is publicly available on the Government website at [Governance review: Wirral Metropolitan Borough Council](#). The principal recommendation, of which this review is the implementation of, was for:

“Members to work with the Director of Law and Governance to review the committee system to reduce the number of Committees, assign authority to the Policy and Resources Committee in respect of financial recovery, and significantly reduce the related administrative burden.

3.2.2 When undertaking the review, the working group were therefore highly mindful of the Review, particularly in respect to the number of Council Committees, the scheme of delegation and the efficiency of decision making. Whilst the report in its entirety can be viewed as a link, the working group discussed a number of key points contained, namely:-

- The move to a committee system, implemented in the middle of the pandemic has clearly improved Member engagement but poses a further risk to the improvement journey because of its immaturity, its over-elaborate design, and the administrative burden it is placing on Officers.
- There are significant risks to the ability of the system to support swift and sustained progress on finances. The risks sit with the division of responsibility and resources into seven Policy Committees, with the retention in addition of a Decision Review Committee. This poses a risk of fragmentation and delay, for example where corporate and service savings strategies need sign up from all Committees.

- The number of Committees and requirements to ensure appropriate briefing of all the five Political Groups in the lead up to each meeting is posing a significant resource burden on the Council. The volume of papers and length of agendas is both an administrative burden and a likely distraction from a necessary focus on key decisions.
- The forthcoming review should ensure that the committee system is fit for purpose and should ensure in particular that the Policy and Resources Committee exercises leadership for the development and implementation of a robust financial recovery plan.

3.2.3 The Independent Panel members have submitted comments concerning the proposed amendments to the committee governance arrangements of the Council. These are presented as boxed annotations to the draft proposals set out in Appendix 1 and marked as '**N.b.** The Committee is advised ...'

3.3 Local Government Association

3.3.1 Throughout November and December of 2021, the Local Government Association (LGA) ran a number of sessions with the political groups in light of publication of the two external assurance reports, but also in view of the fact that the committee system was now over a year into its existence. The project undertaken by the LGA was completed in three-key stages: desktop research, structured conversations with all political groups of the Council, and a cross-party discussion on emerging findings and considerations for improvement.

3.3.2 The full report and recommendations can be found at **Appendix 2** to this report, which was shared with the Governance Working Group at their February meeting. Whilst many of the key considerations are outlined in Section 6 of the LGA report, the Director of Law & Governance will submit a report to the June meeting of the Constitution & Standards Committee to enable discussion of proposed actions against the key considerations, thus enabling a comprehensive response to be shared with the LGA. Both the Director of Law & Governance and the Head of Democratic & Member Services are in regular contact with colleagues at the LGA and updates on progress will be reported to Members via the Governance Working Group.

3.4 Member Survey Outcomes

3.4.1 To inform the review, the Governance Working Group requested the Head of Democratic and Members Services to undertake a survey of members in respect to a variety of issues relating to the committee system, Constitution and the running of Council and Committee Meetings. The results of the survey were reported to the Governance Working Group at their meeting of 12th December 2021 to inform the subsequent discussion and resulting proposals.

4.0 **FINANCIAL IMPLICATIONS**

4.1 At this stage there are no financial implications arising from the report. Should the Council agree to reduce the number of Committees there will be a consequential impact on officer time and costs. There may be an additional consequential impact the Members' Allowances Scheme.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 9P of the Local Government Act 2000 (as amended for England) requires that a local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—
- (a) a copy of the authority's standing orders for the time being,
 - (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
 - (c) such information as the Secretary of State may direct, and
 - (d) such other information (if any) as the authority considers appropriate
- 5.2 The additional requirement to comply with a Direction of the Secretary of State as to what information a constitution must contain has been repealed (for England) since the last Council Constitution was drafted. The original Direction remains a useful checklist, however, containing as it does some eighty-two items of information that should be available to the public through a council's constitution.
- 5.3 The Constitution therefore contains a mixture of those standing orders and requirements that are a matter of choice for the Authority and those that are mandatory, including those pursuant to the now applicable Local Authorities (Committee System) (England) Regulations 2012.
- 5.4 The Guidance on “Modular constitutions for English local authorities” as issued has now been archived but remains extant and relevant, so must therefore be had regard to so far as it has not been superseded by later legislation. A relevant excerpt from the Constitution Guidance reads:
- “9.7 The Secretary of State considers that in the context of local governance arrangements the terms efficient, transparent and accountable should be taken to mean the following:
- efficient: the local authority's arrangements for making decisions include the capability for decisions to be made quickly in response to changing circumstances and the developing needs and aspirations of local communities;
 - transparent: anyone who has dealings with the local authority can easily determine who is responsible for decisions in respect of the matters with which they are dealing with the local authority and that they can also easily determine how best to make representations to that;
 - accountable: the local authority's governance arrangements enable people to find out about decisions which have been taken and include the capability for review and scrutiny of any decision made in respect of any of the local authority's functions by members of the local authority who were not directly involved in making the decision in question.
- “9.8 The Regulations and this guidance provide that alternative arrangements [being a committee system form of governance arrangements] take the following broad form:

- the full council of the local authority sets the policy framework and approves the budget, proposals for which would in general be presented to it from one or more committee(s) of the local authority;
- no more than five committee(s) (excluding regulatory committees, area committees and joint committees) of the local authority with delegated functions from the full council to implement the policy framework and to put proposals to the full council for future policies and budgets;
- one or more overview and scrutiny committee(s) to hold the policy committees to account in public, assist them in policy development and review and examine matters of wider local interest, involving local stakeholders in their deliberations; and
- a Standards Committee (and any sub-committees for parish councils) [repealed].”

5.5 The Guidance included at least one overview and scrutiny committee because the option for councils with a committee system form of governance to not have an overview and scrutiny committee was not then available, being later inserted into the Local Government Act 2000 as section 9JA. It should also be noted that, rather than being established as a result of this statutory guidance, audit committees are part of CIPFA practice guidance.

5.6 If it does resolve to appoint one or more committees as the authority's overview and scrutiny committee, then it must apply all of, those provisions of Parts 3, 4 and 5 of the Local Authorities (Committee System) (England) Regulations 2012 to those committees. If it does not appoint any overview and scrutiny committee, then there remains some statutory overview and scrutiny functions for the Authority to fulfil but these may be carried out by ordinary committees of the Council, which is the current proposal.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

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

7.0 RELEVANT RISKS

7.1 There are no risks arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 Governance Working Group Members have met requested that this report be prepared and submitted to 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.

11.0 COMMUNITY WEALTH BUILDING

11.1 There are no direct Community Wealth Building implications arising from the report.

REPORT AUTHOR:

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APPENDICES

- Appendix 1. Proposed changes to governance arrangements
- Annexe A. Draft committee structure chart
 - Annexe B. Draft amendments to Article 7 (Re-consideration of decisions and overview and scrutiny provisions)
- Appendix 2. Local Government Association Report

BACKGROUND PAPERS

- Reports to Member Governance Working Group 14th December 2021:
 - Approach to review of committee governance arrangements;
 - Approach to review of decision review and overview and scrutiny.
- Committee system internal survey outcomes
- Outcome notes of Member Governance Working Group 14th December 2021
- Outcome notes of Member Governance Working Group 11th January 2022
- Publicly available background resource
- Constitutions of all other unitary, London borough, metropolitan borough or county councils operating committee system forms of governance.
- [External Assurance Review - Governance report: Wirral Metropolitan Borough Council](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1030406/Governance_review_Wirral_Metropolitan_Borough_Council.pdf)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1030406/Governance_review_Wirral_Metropolitan_Borough_Council.pdf

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	14 Dec 2021
	30 Sep 2021
	23 Jun 2021
	24 Feb 2021
	25 Nov 2020

PROPOSED CHANGES TO COMMITTEE GOVERNANCE ARRANGEMENTS

Shown in diagrammatic form as Annexe A

a) Policy Committees

- The urgency committee is to be dissolved and its functions to be absorbed by Policy & Resources Committee
- The Housing Committee to be dissolved and Terms of Reference to be absorbed by Economy, Regeneration and Development (ERD) Committee.
 - Further consideration has been given to dividing development related matters from community services related matters between committees. On balance, agreed functions fully passed to ERD Committee, but care is to be given to the sensitivity of the services and precise care is to be given to the drafted terms of reference, with emphasis on policy, allocations, landlord licensing and conditions.
 - Consideration is to be given to the formal request of Housing Committee for housing matters to be made the subject of a standing sub-committee
 - The Working Group has expressed the opinion that the addition of a standing sub-committee would have the effect of negating the benefits to be derived from reducing the overall number of committees. It was noted, subject to the comment on sub-committees below, that this would be a matter for the parent committee however.
- The number of Policy & Services Committees to remain at six (inclusive of the Policy and Resources Committee).

N.b. The Committee is advised that the preference of the Independent Panel is for a reduction to five Policy Committees, because this would most effectively deliver the benefits of streamlining the system. If the Council is minded to retain six policy committees, however, it is the strong recommendation of the Independent Panel that other measures to alleviate the position be introduced, such as to:

- Extend delegated powers generally and greater use of 'officer in consultation with' decisions and reduction in the number of times a matter goes to committee. Ideally only once and then delegated out;
- Remove all overview and scrutiny and a limit on call-in or dissent style mechanisms;
- Review what is taken to committees (i.e. a prohibition on 'to note' reports);
- Review the council diary of meetings, with a view to reducing the overall number of meetings; and
- Review of the committee terms of reference to assist in focussing the content of matters going to committee.

- A limit to be placed on formal meetings of sub-committees within the drafting.

b) Terms of Reference and Delegation

- The focus on the leadership of the Policy & Resources Committee in respect of financial recovery and budget development is noted but, with an increase in the agreed delegation levels in the Terms of Reference for Policy & Resources Committee on virements and property disposals/ acquisitions to £500k
- Further property transactions to be delegated to Economy, Regeneration & Development Committee based upon individual business cases to be presented to the Policy & Resources Committee.
- The terms of reference of the Senior Officer Appointments & Staffing Sub-Committee be amended so that the Sub-Committee is only responsible for the appointment of Chief Officers. Appointment of all Deputy Chief Officers, including Assistant Director grades, to be delegated to the Chief Executive as Head of the Paid Service.
- Insert into Terms of Reference (ToR) of each Committee that reports presented to Committees should normally only be those which require a decision or budget and performance monitoring (to be managed by the Chair and Group Spokespersons).
- Committee size to be removed as a standard from Terms of Reference and the size will be determined at Annual Council as part of the appointments & political balance reports. Committee size to be determined as an outcome of the group leaders' post-election negotiations.
 - Consideration is to be given to advising the discussions in respect of appropriate size and matching of skill sets to committee appointments.

N.b. The Committee is advised by members of the Independent Panel that it would be sensible to have an indicative minimum and maximum size of committee. This would assist in providing parameters for starting the negotiations and will avoid adding the complexity caused by starting from a blank sheet each time.

The members of the Independent Panel further advise that regard should be had to matching of skill sets to committee appointments. This corresponds with being able to reduce committee size, in which respect it is pointed out that the Audit and Risk Management Committee, at 11 plus 2 independent members, falls far outside of CIPFA recommendations concerning the appropriate size for an audit committee.

- It was confirmed that:
 - The Constitution and Standards Committee, the Senior Officer Appointments & Staffing Sub-Committee and the Regulatory Licensing Panels are currently excluded from the political balance rules and this is intended to continue.

- The ToR should note that the rules for Licensing Act Committee and its panels differ from those for an ordinary committee and that the statutory provisions do not permit substitutes.

c) Call in, dissent and Overview & Scrutiny

- Decision Review Committee is to be dissolved and the call-in provisions removed.
- Partnerships Committees to be dissolved and its statutory scrutiny functions and other relevant functions are to be absorbed into relevant Policy Committees.
- Council is to be recommended to resolve to appoint no overview & scrutiny committee, under s9JA of the LGA 2000.
- The controversial decision ('dissent') provisions are to be replaced.
- There will be a new process for members of the Policy & Resources Committee to request reconsideration of a decision that, on meeting the criteria, will result in removal of delegation and the re-consideration of the published decision of a Policy and Services Committee (or an officer acting under delegation) by the Policy and Resources Committee. On reconsidering the matter, P&R Committee will be able confirm, refer back or replace the decision. Draft provisions are attached as **Annexe B** below.

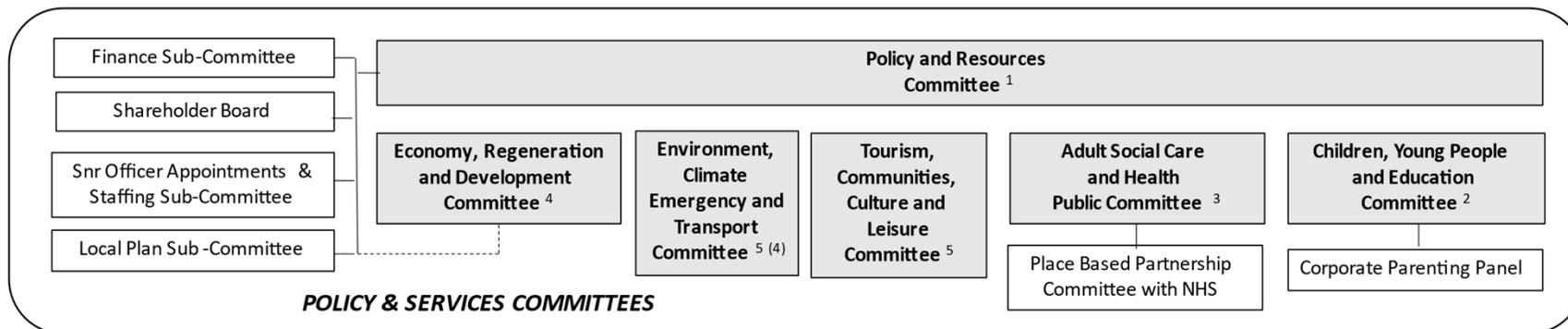
d) Number of meetings

- Members are to consider altering the committee cycle to reduce the number of meetings per year



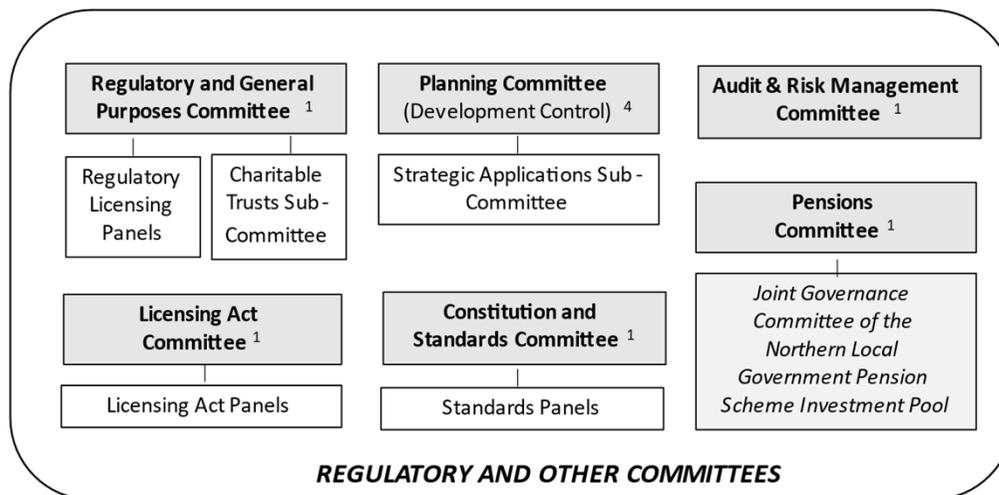
COUNCIL

Draft Committee Structure 31/01/2022



Lead Directors

1. CX, s151 & MO
2. Director for Children's Services (DCS)
3. Director for (Adult) Care and Health & Director of Public Health (DASS & DPH)
4. Director for Economic and Housing Growth & ACX
5. Director for Delivery Services & ACX



Procedure for re-consideration of decisions

Articles 7.3, 7.4 and 7.5 of the current Constitution shall be deleted and replaced with

7.3 Removal of delegation (Policy and Resources Committee to re-consider a decision)

- (a) Where a majority* of the members of the Policy and Resources Committee wish for a decision to be re-considered that has been made by a Policy and Services Committee, or an officer acting under delegated authority from one of those committees, they may do so by submitting a request to the Monitoring Officer or Chief Executive before the expiry of three full working days from the date on which the decision notice was published.
- (b) Such a request must be received by the Monitoring Officer or Chief Executive and must set out at least one of the following grounds in support, explaining why the decision is or might reasonably be felt to be:
 - (i) A key decision but not treated as such;
 - (ii) Inadequate consultation with stakeholders prior to the decision;
 - (iii) Inadequate evidence on which to base a decision;
 - (iv) Contrary to the budget or policy framework;
 - (v) The action is not proportionate to the desired outcome;
 - (vi) A potential human rights or equalities challenge;
 - (vii) Insufficient consideration of legal and financial advice.
- (c) Where the Monitoring Officer or Chief Executive consider these criteria have been met, delegated authority for that matter shall be withdrawn from the Committee or officer and that item of business will be referred to the next meeting of the Policy and Resources Committee, or if necessary an or an extraordinary meeting, for the matter to be considered afresh.
- (d) Upon re-considering the referred matter, the Policy and Resources Committee may:
 - (i) Uphold the previous decision, following which the original decision shall take effect by 9.30am the next working day following the day of the Policy and Resources Committee meeting which considered the request
 - (ii) Refer the matter back to the relevant Committee or officer with a recommendation from the Policy and Resources Committee. The relevant Committee or officer shall reconsider the matter, taking into account any concerns and recommendations of the Policy and Resources Committee, before reaching a final decision. The decision may not be the subject of a further request for reconsideration and will take from the date on which the new decision notice is published
 - (iii) Determine the matter itself, whereby the Policy and Resources Committee may determine the matter as it sees fit. The Committee will set out its reasons for

coming to a different conclusion from the originating Committee or officer whose decision has been superseded. The decision may not be further reconsidered and will take from the date on which the new decision notice is published.

- (e) Delegated authority has accordingly been granted to the Policy and Committee under its terms of reference to act under this procedure, as set out in Part 3(B) of this Constitution.

7.4 Overview and Scrutiny

- (a) The Council has resolved (at the Annual Meeting of 2022) not to appoint any separate overview and scrutiny committees. The statutory overview and scrutiny functions of the authority will be exercised by individual Policy & Services Committees in respect of the Council's functions, services and partnerships that they cover, and by the Policy & Resources Committee in respect of functions, services and partnerships that cover more than one committee. The Council has delegated the statutory external scrutiny functions of the authority, in respect of health, crime and disorder, and flood prevention, to individual Committees as set out Part 3(B) of this Constitution
- (b) Each policy & services committee may scrutinise and review decisions made or actions taken by the Authority in so far as they have a direct impact on the role or functions of the committee and that Committee can make recommendations to any other the relevant Committee on policies, budget and service delivery. Overview and scrutiny of the Council is an important part of the Committee's remit as part of a 'doing and reviewing' approach. Upon conclusion of a scrutiny exercise the Committee will produce a report containing recommendations for decision by the Policy and Resources Committee or other Committee as may be relevant.

***N.b.** The Committee is advised by members of the Independent Panel that this number of members of the committee as a requirement to request re-consideration (removal of delegation) of a matter from a Committee or officer would be sub-optimal and that it should be a higher threshold, perhaps including a requirement for number of members (e.g. minimum of 2/3) and a minimum number of party groups.

Wirral Metropolitan Borough Council

Working Effectively in the Committee
System

November - December 2021

Feedback report





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1. Background and Scope

Following a review of Governance in 2019, Wirral Metropolitan Borough Council (WMBC) voted at their Annual Full Council Meeting on 28 September 2020 to formally move from the Cabinet Leader Governance Model to the Committee System.

The Council approached the LGA in the summer of 2021 to ensure that the Committee System is working effectively, and to support improvement. This work was completed in November and December. The LGA recognise that the Committee System of the Council has only been in place for a little over 12-months, and that there will be natural refinements that the Council will wish to consider reflecting the learning and experiences of this first year. The LGA also recognise that the decision of the Council to move to the Committee System is legally bound, and therefore intended this work to be 'future facing' and to support practical changes to the existing System, rather than revisiting the original review of 2019 or the merits of differing models.

Therefore, the primary aims for this work were to support Councillors at WMBC to consider improvements to the Council's governance and the identification of considerations for the Council to take forward. It was also intended that this programme would:

- Refresh Councillors on the principles and practice of working effectively in the Committee System.
- Reflect on the current practice and approach of WMBC.
- Consider how the System is performing against design principles.
- Develop a shared understanding of recommendations and improvements to support improvement.
- Identify the necessary improvement as set-out through Assurance Reports commissioned through the Department of Levelling Up, Housing and Communities (DLUHC).

This report sets out the context in which this work was completed following the publication of two assurance reports from the Department for Levelling Up, Housing and Communities (DLUHC) on 2 November 2021 and the key issues highlighted, as well as the methodology undertaken through Sector Led Improvement. This report also identifies several considerations for the Council to take forward which may support improved effectiveness and efficiency within their Governance, and the delivery of wider recommendations identified through national Assurance Reports. Finally, it should be noted that this work does not represent a technical review of the Council's Constitution which would require additional legal input, but instead is designed to support facilitated reflection and a 'bottom-up' approach to developing locally owned recommendations for

improvement based upon the experience of the Council, the expertise of external Peers, and the current context of the organisation.

2. Context

WMBC was one of a small number of Councils to request exceptional financial support during the COVID-19 pandemic, asking for part capitalisation of its revenue budget through a formal application to DLUHC. This financial support was agreed in principle, subject to the outcome of an independent and external Assurance Review.

These reviews were announced on 30 June, with the Council's finances being reviewed by the Chartered Institute of Public Finance and Accountancy (CIPFA), and its governance being reviewed by the previous Chief Executive of Darlington Council Ada Burns. These reports were published on 2 November 2021, setting out the methodology used, detailed findings, and a series of recommendations for the Council's improvement.

These reports contained further recommendations regarding the governance of the Council, including strengthening financial governance, reviewing/reducing the number of Committees, and revisiting the role of the Council's Decision Review Committee. This work has been incorporated into the LGA's programme and included in conversations with Councillors at WMBC. Therefore, it is hoped that this report will provide further triangulation of these findings and support the Council to act on their recommendations. These Reports also called for the establishment of an Independent Improvement and Assurance Panel, and the LGA has been invited to sit on this Panel.

Finally, WMBC has agreed to undertake a LGA Corporate Peer Challenge in early 2022 in line with the recommendation in the assurance review. This will provide a further opportunity to engage with Councillors and Officers on progress against recommendations, and to consider wider issues of culture and capacity which may also relate to the Council's Committee System.

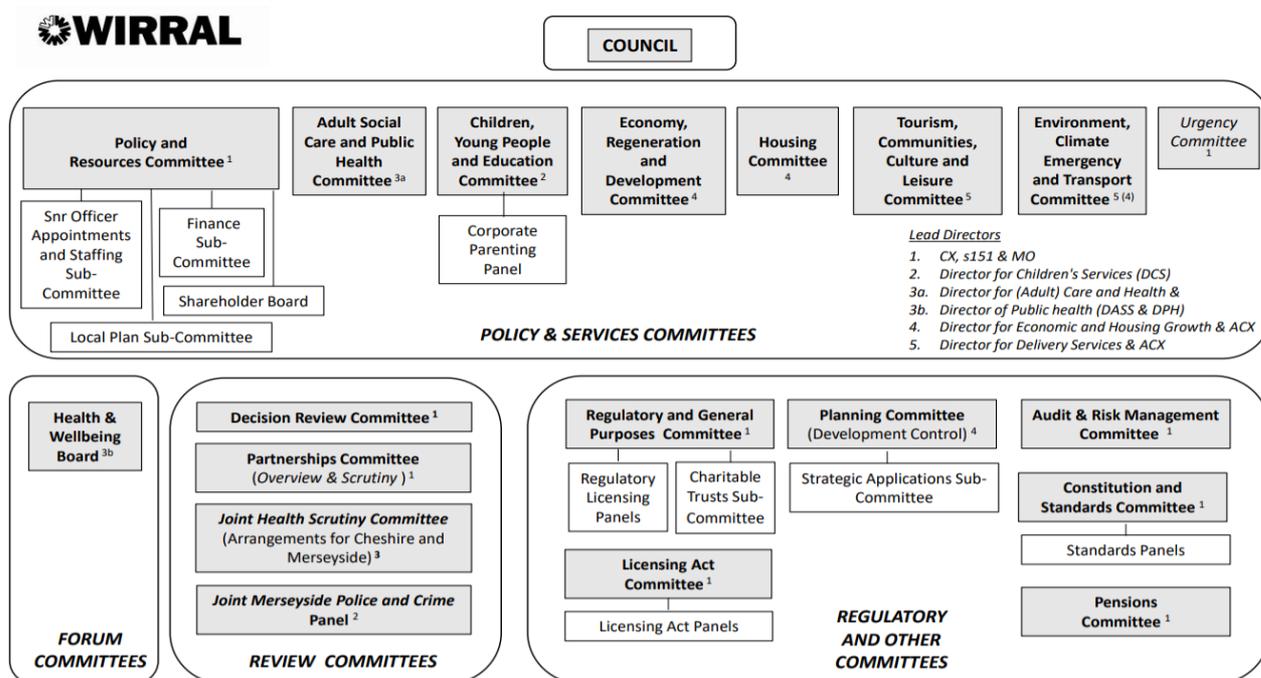
3. Current Committees of Wirral Metropolitan Council

Whilst this work does not represent a formal review of the Council's Constitution, it is still important to set out an overview of the current governance arrangements of the Council, including the design principles which underpin it.

- **Accountability** – responsibilities and accountability should be clear, within the Council and to residents.
- **Credibility** – governance should assist good decision making, which involves proper and early scrutiny.

- **Transparency** – the decision-making process should be open and transparent to Members and to the public.
- **Collaboration** - decision making should be collaborative across parties and less combative.
- **Timeliness** – decision making should be both quick and effective and, when necessary, allow for urgent decision making.

WMBC Committee System includes seven Policy and Service Committees operating beneath Full Council and supported through a number of sub-committees. The Council also operates further Statutory Committees for a range of regulatory and judicial functions, including Planning, Regulatory, Licensing and Pensions. Finally, the Council runs a number of review Committees, including statutory Health Scrutiny, their involvement with wider Merseyside Police and Crime Panel, as well as a locally operated Decision Review Committee. These are illustrated in the diagram below:



The full list of Policy and Service Committees operated by the Council is set out below:

- Policy and Resources Committee.
- Adult Social Care and Public Health Committee.
- Children, Young People and Education Committee.
- Economy, Regeneration and Development Committee.
- Housing Committee.
- Tourism, Communities, Culture and Leisure.
- Environment, Climate Change Emergency and Transport Committee.

4. Methodology & Approach

This work was completed in three-key stages: desktop research, structured conversations with all Political Groups of the Council, and a cross-party discussion on emerging findings and considerations for improvement.

The desktop research for this programme included consideration of the DLUHC assurance reports and analysis of their relevant findings and recommendations. This took place alongside analysis of other Local Authorities that operate the Committee System, including their size and structures in comparison to WMBC. This research also involved ensuring that LGA Peers were familiar with the structures and systems that operated in WMBC, as well as analysis of recent online meetings to observe decision making through these forums.

This research was used to support focus-groups with each of the five political groups at the Council. These focus groups were led by LGA peers working across the sector, selected for their experience of the Committee System and prior knowledge of WMBC. All Elected Members of the Council were invited to these sessions, and approximately two-thirds of Councillors took place in these conversations. Sessions were held on the following dates:

- 3 November 2021 – Discussion with Conservative Political Group.
- 4 November 2021 – Discussion with Liberal Democrat Political Group.
- 16 November 2021- Discussion with the Green Party-Political Group.
- 18 November 2021 – Discussion with Independent Group Members.
- 11 and 21 November 2021 – Discussions with Labour Political Group.

These discussions followed the same session plan to ensure consistency of approach and included common questions to support the triangulation of answers. These meetings were held over MS Teams and conducted virtually. It was important for these sessions to provide a safe space for political discussion and input, and therefore, they were led by the following political peers with the same Officer support being provided by the LGA.

- Cllr Sir Stephen Houghton (Labour Peer) – Leader of Barnsley Council.
- Cllr Mike Wilcox (Conservative Peer) – Staffordshire County Council.
- Cllr Sue Shanks (Green Peer) – Brighton and Hove City Council.
- Cllr Jayne McCoy (Liberal Democrat Peer) – London Borough of Sutton.

Following these sessions information was collated into key findings, themes, and considerations. This was feedback to the Council on 2 December 2021. This final

session was attended by all Group Leads, Committee Chairs and Vice Chairs. This session was also attended by the Council's Chief Executive, Director of Corporate Resources, Monitoring Officer, and Head of Legal and Democratic Services. This meeting was chaired by Cllr Sir Stephen Houghton and attended by the LGA Peers and Officer that supported this work. The presentation that was used to lead this conversation is available upon request, but the key sections and conversations are covered within this report below.

5. Findings & Considerations:

Strong and successful governance is built on two key elements, the first is the formal processes and structures as set-out in the Council's Constitutions, setting out the rules and regulations for both Councillors and Officers. However, as important to these formal aspects is the environment in which they are applied, including the wider organisational culture, approaches to collaboration, and relationships.

First Principles and Key Issues:

It should be noted that during the discussions with the five political Groups of the Council that there was a clear shared appetite across all to support improvement in how the Committee System is working for WMBC. This included a recognition for the Council to respond positively and proactively to the findings of the external assurance reports. There was also a common understanding from these discussions that the Committee System of the Council was still nascent having only been implemented in 2020, and therefore recognition that improvement would be iterative and would naturally include the lessons learnt through the first-12 months of working in this model. It should also be noted that there were several agreed positions that were outlined through these individual group sessions, which illustrate some emerging consensus which should be built on as far as possible.

During each respective discussion with political groups, participants were asked to describe how the Committee System of the Council currently felt from their perspective. Through this question we heard positive replies such as 'inclusive', 'democratic' and 'participatory', highlighting the engaging and open aspects of the system that exist. However, this question also received responses including 'duplication', 'over-complicated' and 'workload' highlighting some of the frustrations which were raised regarding the repetition that exists within the system and some of the challenges that are created regarding timeliness of decision making. This tension between inclusion and pace is a natural challenge that exists and requires further consideration as the Council moves forwards.

These individual sessions with political groups also asked participants to set out how the Committee System is delivering against the design principles included within the Council’s Constitution. This question asked participants to rank performance against the principles from one (poorly) to five (well). The table below shows the aggregated scores submitted:

Objective:	Score:
Accountability	4.18
Transparency	3.90
Credibility	2.5
Collaboration	2.4
Timeliness	1.8

It should also be noted that whilst scores differed across the political groups, the results were provided in the same order. This highlights a consensus across Councillors regarding the performance of the system and areas of improvement. These results also illustrate the tension that exists between the principles of accountability and transparency, and the practice of delivering swift and timely decisions through the system, and a recognition to improve the latter.

When these findings were discussed in a cross-party setting there was a shared appetite across the political groups to prioritise the timeliness of decision making to support this improvement. There was also a commitment across groups to respond positively to the findings of external assurance reports in a collaborative fashion.

Strategic Issues

There was widespread recognition and agreement that there was a need to reduce the number of Committees at the Council. Seven Policy and Service Committees creates challenges of coordination and increases the risk of fragmentation. It was also noted this number of Committees made WMBC an outlier to other upper-tier, Unitary and Metropolitan Committee Systems with Kingston upon Thames having five, the London Borough of Sutton and Reading both having four. Within this context, it was recognised that a reduction would support coordination and would reduce the risk of fragmentation.

Therefore, there was agreement across groups to review and reduce the number of Committees, as well as recognition that this aligns to the following recommendation from the DLUHC Governance Review: *“Members to work with the Director of Law and Governance to review the Committee system to reduce the number of Committees, assign authority to the Policy and Resources Committee in respect of financial recovery, and significantly reduce the related administrative burden”*. When taking this recommendation forward, Group Leaders were keen that this work would be completed

'in-the-round' ensuring that changes were mindful of the need to prioritise financial recovery, but also considered alignment of potential mergers to avoid the risk of individual Committees having too big a remit or containing disparate issues and services. This review of the number of Committees should also consider the Council's approach to proportionality on sub-Committees and working groups. The Council currently takes a quorate approach to these groups, but this places a disproportionate demand on a small group of Councillors, and creates risks of work not being able to progress if meetings are not quorate.

Given the financial context of the Council, it was acknowledged that there is a need for Committees to prioritise issues most relevant to budget delivery, including prioritizing these issues within agendas and reports. This consideration could be enhanced through Member Development with Committee Chairs to ensure that this is appropriately reflected in Committee work-programmes. However, this focus on financial issues will require concerted effort from Officers, to ensure financial issues are clearly and concisely set-out in reports, and that the Committees are provided with regular, timely and accurate financial reporting on issues of service spend and the delivery of savings. This aligns with section 3.21 of the DLUHC Governance Review which highlights the risk of lengthy reports risking distraction from key decisions.

Throughout this programme of work, the LGA heard differing perspectives on the roles and functions of the Policy and Resources Committee. These ranged from presenting the Committee as being 'above' the other Committees and playing a leading role on issues of budget and strategy, to being alongside and equal to other Committees (as illustrated on the diagram in section 3.0). There is an urgent need for the Council to clarify this relationship, and it was recognised that there would be benefits to empowering the Committee to lead on issues of financial recovery (within the budget parameters set by Full Council). This would enable the Committee to sign-off implementation plans and to monitor their implementation. This would take forward the findings from section 3.20 and 3.24 of the DLUHC Governance Review which called for Policy and Resources to lead on the budget process and delegate to the other Committees as appropriate. This will also require collaboration across Committees to ensure that there are not contradictions between them. This cross-Committee working will also be required to avoid the risk of 'silo-thinking' and avoid slippage on the financial decisions made by the Policy and Resources Committee.

It was noted that the Council currently operates three different approaches to scrutiny. This includes the natural scrutiny and debate that takes place on a decision prior to it being voted on in Committee, the opportunity for a decision to be referred out of delegation subject to 40% of the Committee voting against it, as well as the use of a Decision Review Committee. The Decision Review Committee (DRC) has only been used once in the past 12-months, to challenge an item which had already been

discussed at Full Council within WMBC's Budget Framework. The DRC was highlighted through the assurance reports as a risk to the Councils progress and as being at odds with the aims of their new model: "*the Decision Review Committee poses a risk to swift decision making, and it is difficult to understand the rationale for retaining a feature of the strong Leader and Cabinet model in a Committee system*". Therefore, it was agreed across Groups to revisit the need for this Committee considering the Scrutiny provided through existing discussion and referral levels.

Finally, it was also recognised that one of the key factors which had frustrated local groups was the approach and use of Full Council Meetings. This frustration included recognition that this was not conducive to supporting the principles of collaboration or credibility, and that improvements in this forum would be beneficial to both relations across Groups and the Council's reputation. Support for this forum could include ensuring that there is greater clarity across Members regarding the processes and procedures for agenda setting, and the potential benefits of all member training on issues of code of conduct. There should also be consideration of the support required to Elected Members, including the Chair and Deputy Chair to ensure that there is consistent understanding regarding the forum of Full Council, and this could include development and training (including the Council's code of conduct).

Practical Issues

Throughout this programme of work, it was clear that there was respect between Officers and Councillors of WMBC, this included a great deal of recognition from Councillors for the challenges that Officers faced working in the new system. The Committee System has increased the number of Officers who interact directly with Members, and therefore further thought should be given to the training and development needed for staff to work in this space. From experience elsewhere, the LGA have found that this training can often be most effective when jointly developed and delivered. The Council should also consider the content of their Member-Officer protocol to ensure that relationships are well articulated and defined to reflect the working practice that they wish to have in-place in WMBC. This issue was also identified by DLUHC Governance Review (section 4.5) which highlighted the current 'transactional nature' of these relationships.

One of the core elements to this relationship is how information is presented to Members, and through this work we received feedback from Councillors regarding the length and structure of officer's reports. With this in-mind, the Council should set out a programme of report writing training and support learning from best practice across the sector. This training should encourage officers to prioritise and consistently present financial issues presenting information in a format that is easily understood by people who do not have a technical finance background.

The Council may also wish to consider releasing capacity within their Committee System. One example of this was the involvement of Group Leaders in the Council's Appointment Panel which has met 12 times over the past 12 months. The Council should consider the appropriate level of Councillor involvement in this Committee (and the appointments for which it is most necessary) and bring practice in line with wider norms across the sector. This comparison should also extend to Councillor involvement in disciplinary matters, as the time requirements of Councillors through existing Committees means that these create an additional demand.

Finally, given the need to ensure that the Committee System of the Council focuses on financial recovery, supporting timely and empowered decision making, there is a need for the Council to consider their scheme of delegation. It was felt that many papers presented to Committee included delegated decisions which were being presented 'to note' and by considering wider sector-norms on these issues, the Council may benefit by supporting the empowerment of Officers, reducing the administrative burden, and allowing greater political focus on priority issues. In discussions across Groups there was a shared willingness to consider these issues against practice elsewhere.

6. Considerations

The considerations below are set-out for the Council to incorporate in their reforms to the Committee System through the appropriate local forums and Committees. This list will support further dialogue across the Council and will act as a useful mechanism for checking progress through both the Independent Assurance Panel and the 2022 Corporate Peer Challenge. These considerations are not set-out in priority order, but instead reflect the findings as outlined in section 5.0.

- 1: The Council should look to build on the areas of political consensus highlighted within this report to continue to respond positively to the findings of the external assurance reports of DLUHC.
- 2: Recognising the shared frustrations across all Groups on issues of timeliness and collaboration, these design principles should be given primacy when considering improvements to the Committee System.
- 3: All Groups were keen to promote the credibility of the Committee System. This requires joint work across groups in joint forums, most notably, Full Council, and consideration for the required changes for these meetings to be used more productively.

- 4: There is a willingness from all Groups to reduce the number of Committees in operation. However, this work needs to be completed holistically to ensure that there are similar scopes and scales to Committees, and to avoid the risk of work being unevenly distributed or poorly aligned.
- 5: There is a need to make sure that the agendas and work programmes of Committee meetings focus on the priority issues facing the Council. Given an average meeting length of approximately two-hours, issues of financial recovery need to be prioritised as far as possible.
- 6: This focus on finance issues will require officers to ensure that these matters are presented concisely and clearly in reports. Furthermore, this will also require timely and accurate finance reporting to present appropriate information to Councillors to support strategic discussions.
- 7: The Council should revisit their approach towards Scrutiny and consider the appropriateness of the Decision Review Committee given the existing systems in place.
- 8: There is a need to empower the Policy and Resources Committee to provide leadership on the delivery of the Council's budget framework and act as a central and coordinating forum for reporting and monitoring progress. This may require changes to the Committees Terms or Reference but will also need careful communication with Councillors both on and beyond the Committee (including Member Development). This also needs to recognise that there will still be a need for cross-Committee working and collaboration to avoid silo-thinking and mitigating the risk of push back against financial decisions made by Policy and Resources.
- 9: The Council should consider their practice against sector norms to ensure that they are appropriately aligned on issues of Group Leader input on staff appointments, Councillor input on disciplinary proceedings, and the Council's Financial Scheme of delegation. These practical issues have the potential to free up significant capacity within the Committee System, and support more empowered decision making.
- 10: Central to improvements to any governance system is how information is presented to Councillors. There is a need for the Council to set out further training for officers to ensure that there are consistent, clear, and concise reports being provided to Committees to support Members in their roles.

7. Next Steps:

Following the cross-Party meeting with Group Leaders and LGA Peers on 2 December, the materials from this session were distributed to the Council to support dialogue and discussions of the Council's Constitution and Standards Committee Working Group. This Group is leading locally on changes and reforms to the Council's Constitution and wider Committee System.

This Working Group considered a report of the Director of Law and Governance on 14 December that referred to this work to further support local discussions, and it has been agreed this report will be formally taken to this Working Group for their meeting on 9 February 2022.

The LGA appreciate that the Council's approach to reviewing their Committee System arrangements is multifaceted and includes other key strands alongside this review, such as:

- **Assurance Reports:** Recommendations included within the External Assurance Review completed by CIPFA and Ada Burns.
- **Questionnaire:** A locally developed questionnaire which was distributed to all Councillors and several key officers at the Council. The findings of this questionnaire were presented to the Working Group at their January Meeting.
- **External Comparisons:** Officers of the Council have completed comparative analysis on the Committee Structure and System of the Council to other Upper Tier, Unitary and Metropolitan Authorities that have the Committee model.

This approach will enable the Council to bring together different sources of information and will support local and well-informed conversations on these issues. This Report will provide further support and reflections for these conversations, however, it is essential that this work and these reforms are locally owned.

Finally, WMBC have agreed to undertake a Corporate Peer Challenge in early 2022, and this will offer a natural opportunity to review the Council progress with regards to improvements to the Committee System. This report will also be provided to the Peer Challenge Team to support their understanding of the Council's governance. The Peer Team will be able to consider the response of the Council to these findings and their response to external recommendations and will also set out further issues and changes which will support the Council's improvement.

8. Contact Details:



The point of contact for this work at WMBC was Steve Fox (Head of Member and Democratic Services, (Steve.Fox@Wirral.gov.uk and 07786976315). For further information on the content of this report or this programme of work, please contact either of the following LGA Officers.

- Matthew Dodd (Matthew.Dodd@Local.gov.uk or 07780 226 852)
- Claire Hogan (Claire.Hogan@Local.gov.uk or 07766 250 347)



CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 17 February 2022

REPORT TITLE:	CALENDAR OF MEETINGS 2022/23
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report recommends draft dates for Council and Committee meetings for the municipal year 2022/2023 as detailed in Appendix 1 of the report.

This is not a key decision.

RECOMMENDATIONS

The Constitution and Standards Committee is requested to:

- (1) consider and comment on the report and
- (2) authorise the Director of Law and Governance to make any necessary changes to the draft meeting schedule resulting from any agreed changes to the Committee System and submit the meeting schedule to Council for final approval .

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

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

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options were considered.

3.0 BACKGROUND INFORMATION

- 3.1 Members are asked to consider the draft Calendar of Meetings for the Municipal Year 2022/23 and provide details and reasons of any changes (if any) they would like to see to the draft Calendar.
- 3.2 Convening an extraordinary Council meeting or changing a scheduled meeting can often prove difficult given the demands placed upon Members. Matters are compounded by the membership of committees, etc being limited to a specific number of Members (and deputies) which impacts upon availability. It is therefore important that the Calendar of Meetings comprehensively captures Council meetings in such a way that it enables the Council to manage and discharge its functions in a timely and cost-effective manner.
- 3.3 Dates are not included in the Calendar for Member training. A programme of dates will be drawn up by the Member Support Steering Group in due course and circulated to Members.

4.0 FINANCIAL IMPLICATIONS

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

5.0 LEGAL IMPLICATIONS

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

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

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

7.0 RELEVANT RISKS

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

8.0 ENGAGEMENT/CONSULTATION

8.1 The development of the Committee Calendar and any suggested amendments to it has been informed by the discussions held at recent meetings of the Governance Working Group.

9.0 EQUALITY IMPLICATIONS

9.1 There are no direct 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.

11.0 COMMUNITY WEALTH BUILDING

11.1 There are no direct community wealth implications arising from this report.

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APPENDICES

Appendix 1 – Calendar of Committee Meetings 2022/23

BACKGROUND PAPERS

Constitution
Calendar of Meetings 2021/22

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council	22 March 2021
Constitution and Standards Committee	24 February 2021
Council	28 September 2020
Council	18 March 2019
Cabinet	25 February 2019

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MAY - 2022/23 CALENDAR OF MEETINGS - v8 (all committees)

Sunday	1	
Monday	2	Bank Holiday
Tuesday	3	
Wednesday	4	
Thursday	5	Local Elections
Friday	6	
Saturday	7	
Sunday	8	
Monday	9	
Tuesday	10	
Wednesday	11	
Thursday	12	
Friday	13	
Saturday	14	
Sunday	15	
Monday	16	
Tuesday	17	
Wednesday	18	ANNUAL COUNCIL (PART 1)
Thursday	19	
Friday	20	
Saturday	21	
Sunday	22	
Monday	23	
Tuesday	24	ANNUAL COUNCIL (PART 1) (Alternative-only date when both theatre and conf suite avail)
Wednesday	25	ANNUAL COUNCIL (PART 2)
Thursday	26	
Friday	27	
Saturday	28	
Sunday	29	
Monday	30	<i>Half Term</i>
Tuesday	31	

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

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

AUGUST**2022**

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

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

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

NOVEMBER

2022

Tuesday	1	
Wednesday	2	Health and Wellbeing Board (2pm)
Thursday	3	Shareholder Board (10am)
Friday	4	
Saturday	5	
Sunday	6	
Monday	7	
Tuesday	8	
Wednesday	9	Policy and Resources Committee
Thursday	10	Planning Committee
Friday	11	
Saturday	12	
Sunday	13	
Monday	14	Adult Social Care and Public Health Committee
Tuesday	15	Pensions Committee
Wednesday	16	Regulatory and General Purposes Committee
Thursday	17	Tourism, Communities, Culture and Leisure Committee
Friday	18	
Saturday	19	
Sunday	20	
Monday	21	
Tuesday	22	
Wednesday	23	
Thursday	24	
Friday	25	
Saturday	26	
Sunday	27	
Monday	28	<i>Group Meetings</i>
Tuesday	29	Partnerships Committee
Wednesday	30	Housing Committee

DECEMBER

2022

Thursday	1	Children, Young People and Education Committee
Friday	2	
Saturday	3	
Sunday	4	
Monday	5	COUNCIL
Tuesday	6	Environment, Climate Emergency and Transport Committee
Wednesday	7	Shareholder Board (10am); Economy, Regeneration and Development Committee
Thursday	8	Constitution and Standards Committee
Friday	9	
Saturday	10	
Sunday	11	
Monday	12	COUNCIL (RESERVE)
Tuesday	13	Health and Wellbeing Board (2pm)
Wednesday	14	Policy and Resources Committee
Thursday	15	Planning Committee
Friday	16	
Saturday	17	
Sunday	18	
Monday	19	
Tuesday	20	
Wednesday	21	
Thursday	22	
Friday	23	
Saturday	24	Christmas Eve
Sunday	25	Christmas Day
Monday	26	Boxing Day
Tuesday	27	Bank Holiday
Wednesday	28	
Thursday	29	
Friday	30	
Saturday	31	

JANUARY

2023

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

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

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

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

Monday	1	Bank Holiday
Tuesday	2	
Wednesday	3	
Thursday	4	Local Elections
Friday	5	
Saturday	6	
Sunday	7	
Monday	8	
Tuesday	9	
Wednesday	10	
Thursday	11	
Friday	12	
Saturday	13	
Sunday	14	
Monday	15	
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CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 17 February 2022

REPORT TITLE:	REVISED MEMBERS' CODE OF CONDUCT
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 Model Code, adapted to suit Wirral Council's Committee System was adopted by Council in September 2021.

The LGA have made some minor changes to their model code and therefore a revised version of the Code to incorporate the changes is presented for adoption.

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 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.

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 The Constitution and Standards Committee considered the Model Code at its meeting in June 2021 and recommended its adoption to Council, with Council adopting it in September 2021.

- 3.4 The LGA has since published a revised version of the code to correct typographical errors. However, a significant change has been made to the prejudicial interest test, which in the Merseyside Model Code and original LGA Model Code is applied to “your interests”. The revised drafting properly expands the scope of the test to include other interests and those of family and associates in accordance with the Principles and as has been interpreted.
- 3.5 The Merseyside Model Code was based on the December 2020 version of the LGA Model Code. The 17 May 2021 version has only recently been made available to Liverpool City Region Monitoring Officers and the 19 January 2021 version was not provided. As such, additional amendments may be required to incorporate into the Merseyside Code of Conduct any relevant changes made to the 19 January 2021 LGA Model Code and/or to provide for other local arrangements.
- 3.6 Monitoring Officers across the Liverpool City Region will continue to work together in an attempt to align amendments to the Merseyside Model Code across their respective authorities.

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.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no community wealth implications arising directly out of this report.

REPORT AUTHOR: Philip McCourt
Director of Law & Governance
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APPENDICES

Appendix A – Revised Code of Conduct

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 2021 23 June 2021



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 authority 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.

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

Commented [SD2]: This wording was missing in the previous draft

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

Commented [SD3]: The wording has been widened so that it includes all of the interests listen in this paragraph

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.
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

Commented [SD4]: The wording "Any unpaid directorship" has been removed. It was a Committee on Standards in Public Life recommendation but not been legislated for so shouldn't be in the 'criminal' chart. It has been added as a new Other Registerable Interest instead to (a) in Table 2 below

<p>Corporate tenancies</p>	<p>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.</p>
<p>Securities</p>	<p>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.</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 Registrable Interests

Commented [SD5]: Changes have been made to this table to reflect guidance issued in relation to 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 unpaid directorships
- b) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- c) 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) of which you are a member or in a position of general control or management

Table 3: Standard Dispensations

- 2. You will not be regarded as having a prejudicial interest in any business where that business relates to:
 - (a) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (b) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - (c) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (d) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
 - (e) any ceremonial honour given to one or more Members; or
 - (f) the setting of the authority's council tax requirement, council tax, levy or a precept under the Local Government Finance Act 1992 (except that this dispensation does not apply if you are two months or more in arrears with their Council Tax you must declare this to the meeting and must not vote on budget recommendations, as to do otherwise can be a criminal offence).



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CONSTITUTION & STANDARDS COMMITTEE

17 February 2022

SUBJECT:	SUMMARY OF STANDARDS COMPLAINTS
REPORT OF:	DIRECTOR OF LAW & GOVERNANCE

REPORT SUMMARY

This report provides 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.

RECOMMENDATION

The Constitution and Standards Committee is recommended to note the summary of standards complaints set out at Appendix 1 to this report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 To provide the Committee with an opportunity to consider the handling and progress of standards complaints.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The process for the administration of standards complaints is undertaken in accordance with the Protocol for dealing with complaints against Members which was approved by the Committee in February 2019.

3.0 BACKGROUND

- 3.1 The Council is required to deal with complaints made against Members under its approved Ethical Framework.
- 3.2 In order to assist with the effective administration of standards complaints, the Committee, as part of its monitoring role, is invited to consider the nature and handling of complaints received pursuant to the Members' Code of Conduct.
- 3.3 Appendix 1 sets out a summary of the complaints received between 31 October 2020 – 31 October 2021 and their status.
- 3.4 The Ethical Framework requires complaints to be dealt with confidentiality and therefore it is not possible to provide extensive details in respect of each complaint.
- 3.5 Between 1 November 2020 and 31 October 2021 a total of 12 complaints in respect of the conduct of 9 Members have been received. The complaints were received from 11 different complainants. There were 4 complaints raised by Members against other Members. No complaints received during this period are ongoing. 2 of the complaints received were referred for a formal investigation.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications arising from this report save that where an external investigator or trainer is appointed, additional costs will be incurred. Such costs will vary depending upon the nature of the complaint and the time taken to undertake and complete the investigation or undertake the training.

5.0 LEGAL IMPLICATIONS

- 5.1 Under the Localism Act 2011 the Council is required to have a Code of Conduct relating to the conduct of Members and arrangements in place to deal with any complaints received in respect of Members conduct.

5.2 This report provides an opportunity for the Committee to monitor the progress of complaints.

6.0 RESOURCE IMPLICATIONS

6.1 There are no such issues arising from this report.

7.0 RELEVANT RISKS

7.1 The administration of standards complaints should be dealt with as efficiently as possible to ensure matters are concluded quickly and closure of issues secured for both complaint and the subject member(s) involved. The current Covid-19 pandemic has impacted on capacity to deal with complaints and has led to a failure to adhere to the timescales contained in the Protocol for dealing with complaints against Members.

8.0 ENAGEMENT/CONSULTATION

8.1 One of the Independent Persons is consulted every time a complaint is received.

9.0 EQUALITIES IMPLICATIONS

9.1 There are no specific equality implications arising from this report.

10.0 ENVIRONMENT & CLIMATE IMPLICATIONS

10.1 There are no specific environmental and climate issues arising from this report.

11.0 COMMUNITY WEALTH BUILDING IMPLICATIONS

11.1 There are no specific community wealth building issues arising from this report.

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APPENDICES

Appendix 1 – Summary of Standards Complaints

BACKGROUND PAPERS

The Members' Code of conduct
The Protocol for dealing with complaints against Members

APPENDIX 1

Summary of complaints received 01.11.20 – 31.10.21

No	Date received	Nature of Complaint	Date concluded & outcome
1.	09/11/2020	Conduct inconsistent with standards of public life	29/04/21 No breach
2.	13/11/2020	Conduct inconsistent with standards of public life	17/12/21 Other action – conversation with Member by Monitoring Officer
3	12/04/2021	Conduct inconsistent with standards of public life	10/09/21 Referred for Investigation No breach
4.	30/04/2021	Conduct inconsistent with standards of public life	22/06/21 No breach
5.	24/05/2021	Conduct inconsistent with standards of public life	22/06/21 No breach
6	07/07/2021	Conduct inconsistent with standards of public life	05/11/21 No breach
7	09/07/2021	Conduct inconsistent with standards of public life	04/08/21 No breach
8	02/08/2021	Conduct inconsistent with standards of public life	24/11/21 Referred for Investigation No breach
9	02/08/2021	Conduct inconsistent with standards of public life	22/09/21 No breach
10	21/10/2021	Conduct inconsistent with standards of public life	17/12/21 No breach
11	21/10/2021	Conduct inconsistent with standards of public life	17/12/21 No breach
12	21/10/2021	Conduct inconsistent with standards of public life	22/12/21 Other action - Apology from Member



CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 17 February 2022

REPORT TITLE:	APPOINTMENT OF INDEPENDENT PERSONS
REPORT OF:	DIRECTOR OF LAW & GOVERNANCE

REPORT SUMMARY

The report seeks approval for the re-appointment of four Independent Persons to sit as co-opted members of the Constitution and Standards Committee. In 2012 four Independent Persons were appointed to the Standards and Constitutional Oversight Committee, which following two resignations was increased to six in December 2017 with the appointment of four further Independent Persons.

The term of office for those four Independent Persons ended in December 2021 therefore this report seeks a recommendation to Council that they be reappointed for a further four years.

RECOMMENDATION/S

The Constitution and Standards Committee is recommended to refer to Council for decision the appointment of the following independent members of the Constitution and Standards Committee, for a period of four years:

Mr G Kerr
Mr JR McCosh
Mrs A Lloyd-Prince
Mr A Wilson

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by Members and co-opted Members” of the Council. The Council is required to adopt a Code dealing with the Conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity, and must have in place arrangements under which allegations that a Member has failed to comply with the Code of Conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one “independent person”, whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 1.2 The Council has delegated to the Constitution and Standards Committee the function of investigating and determining any allegations of a breach of the Code of Conduct by individual Members. The Committee comprises of eleven Members of the Council and the Independent Persons, who are non-voting Members of the Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To not reappoint the four Independent Persons or to appoint a different number. It is felt that a larger pool of Independent Persons ensures there is sufficient cover to accommodate absences and non-availability.

3.0 BACKGROUND INFORMATION

- 3.1 Standards Committees had Independent Members until July 2012. The Localism Act 2011 made significant changes to the Standards regime in local authorities, including the abolition of Independent Members from this date. A new role of Independent Person was established.
- 3.2 It is a requirement of the Localism Act 2011 that the Council must appoint at least one independent person to advise its Standards Committee, particularly on investigations into allegations that a Member has breached the Code of Conduct, and to advise any individual Member of the Council who is the subject of a complaint under the Code of Conduct.
- 3.3 In 2012 four Independent Persons were appointed to the Standards and Constitutional Oversight Committee, which following two resignations was increased to six in December 2017 with the appointment of four further Independent Persons.
- 3.4 The term of office for these Independent Persons has now ended and the Constitution and Standards Committee is recommended to refer to Council their reappointment for a further four years.

4.0 FINANCIAL IMPLICATIONS

4.1 Independent Persons receive a payment of £30 for each meeting they attend and the payment for the use of their private motor vehicle to and from the meeting is made at the rate of 45p per mile.

5.0 LEGAL IMPLICATIONS

5.1 The position of Independent Persons is a statutory requirement through the Localism Act 2011.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct resource implications as a result of this report.

7.0 RELEVANT RISKS

7.1 Having six Independent Persons will ensure that there are Independent Persons in place to undertake the duties set out in the Localism Act 2011.

8.0 ENGAGEMENT/CONSULTATION

8.1 All of the Independent Persons have been consulted and wish to continue acting in their role.

9.0 EQUALITY IMPLICATIONS

9.1 The Independent Persons were nominated in 2017 following an open and inclusive recruitment process.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environmental implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The appointment of Independent Persons affords additional Wirral residents the opportunity to have an active involvement in the duties set out in the Localism Act.

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APPENDICES

N/A

BACKGROUND PAPERS

The Localism Act 2011, Part 1, Chapter 7
The Local Authorities (Standing Orders) (England) (Amendment) Regulations
2015

SUBJECT HISTORY (last 3 years)

Council Meeting	Date