

# WIRRAL COUNCIL

## STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

6 January 2014

<b>SUBJECT:</b>	<b>Member Survey on and proposed revisions to the Council's Constitution</b>
<b>WARD/S AFFECTED:</b>	<b>All</b>
<b>REPORT OF:</b>	<b>Strategic Director – Transformation and Resources</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>Councillor Ann McLachlan</b>
<b>KEY DECISION</b>	<b>No</b>

### 1.0 EXECUTIVE SUMMARY

1.1 The Council's Constitution is a 'living document' which needs to be kept under review to reflect changes in the Council and changes in the way the Council delivers services and does business. Regular review helps to:

- Ensure the Constitution remains relevant and effective;
- Identify changes required to ensure clarity and consistency; and
- Provide an opportunity for continuous improvement of the Council's constitutional arrangements.

1.2 The Standards and Constitutional Oversight Committee is responsible for keeping the Council's Constitutional arrangements under review. It can make minor changes to the Constitution as it considers appropriate and make recommendations to Council with regards to changes. Any changes made should be made in order to better achieve the purposes set out in Article 1 – The Constitution of the Council's Constitution.

1.3 This report sets out:

- a draft member Survey in relation to the Council's Constitution;
- Additional questions for the Member Survey relating to Member conduct/behaviour and the Members' Code of Conduct; and
- Proposals to amend the Council's Constitution

### 2.0 BACKGROUND AND KEY ISSUES

2.1 The proposals to the Council's Constitution were considered by the Committee at its previous meeting held on 26 November 2013. However, various issues and representations were made concerning this matter and although a recommendation was made to Council, the amendments were not approved.

2.2 Council at its meeting on 16 December 2013, resolved that:

“Council considers that it is not in a position to accept the amendments suggested in Schedule 2.

The schedule of items set out on pages 45-49 of the Summons fails to clarify the concerns raised at the meeting of the Standards and Constitutional Oversight Committee held on 26 November.

Given the confusion and conflicting opinions expressed and evident at that meeting, Council believes that the matter be deferred. In order to restore confidence in the process, all Members should have full opportunity to see and consider the changes set out more clearly. There has to be ample time for further study and potential agreement.

To aid this consideration, the various issues shall be set out on these suggested lines:

- (i) The original wording, with the full paragraph;
- (ii) The wording that is the subject of suggested change;
- (iii) The revised wording in context;
- (iv) A reasoned argument setting out the background and comment explaining the proposed change.

Individual Members should be invited to comment by a date to be agreed so that their views on the issues can be considered at the next meeting of the Committee on 5 February 2014.

That the date for consulting with Members on potential changes to the Constitution as indicated in the report from the Cabinet Member for Governance is moved from 18 December 2013 to 7 January 2014 to commence 13 January 2014 and end 24 January 2014 to give Members more time to input any suggestions in revising the Constitution”.

- 2.3 This report seeks to provide the Committee with information and details concerning the Member Survey on the Council’s Constitution, a summary of the Standards Working Group recommendation and details of proposed changes to the Constitution.
- 2.4 The Group Leaders at their meeting on 13 December 2013 agreed that before the Member Survey is circulated to members, it should be considered and approved by this Committee.
- 2.5 The Standards Working Group met on 17 December 2013 to consider its responsibility to review the Members’ Code of Conduct, the Protocol for dealing with complaints against Members and how higher standards of Member behaviour can be achieved and maintained.

- 2.6 The Standards Working Group has requested benchmarking information and other reference material in order to consider the issue of Member conduct and behaviour fully and how high standards of conduct/behaviour can be promoted and maintained. The Standards Working Group is scheduled to meet again to consider this information and material on 28 January 2014.
- 2.7 The Standards Working Group considered it appropriate that the Committee, when considering the Member Survey, also considered the inclusion of questions relating to improving Member conduct/behaviour as well as questions in relation to the Members' Code of Conduct.
- 2.8 Schedule 1 to the report is the draft Member Survey in relation to the Constitution. It focuses on specific elements of the Constitution and key changes that have been introduced in relation to certain functions.
- 2.9 Schedule 2 proposes additional questions that the Committee is asked to consider including in the draft Member Survey pertaining to the Ethical Framework.
- 2.10 Schedule 3 details proposed amendments to the Constitution. The Schedule makes reference to specific provisions, the proposed amendment and the original provision as appearing in the current Constitution.
- 2.11 The Member Survey will help inform further amendments to the Constitution as are considered appropriate. Such amendments will require further discussion and debate.
- 2.12 The purpose of the Member Survey is to canvass the views of all Members on not only the effectiveness of the current Constitutional arrangements, but afford Members to comment on what he/she considers could/should be improved. The outcome of this review together with recommendations/proposals on changes to the Council's Constitution will be reported back to this Committee and/or Cabinet for consideration.
- 2.13 To facilitate this, the Committee is also asked to consider broadening the remit of the Standards Working Group to also include "Consideration of matters and issues relevant to the review of the Council's Constitution and offer such guidance as appropriate and/or make recommendations as appropriate to the Standards and Constitutional Oversight Committee".
- 2.14 With regards to the amendments to the Council's Constitution, Schedule 3 provides further information in respect of the proposals as resolved by Council.
- 2.15 The Committee is asked to consider the Schedule and approve its circulation amongst all Member's for comment. It is hoped that Schedule 3 can be circulated at the same time as the Member Survey, namely, 13-24 January 2014. This will enable the Committee to consider the responses at its meeting on 5 February 2014.

### **3.0 RELEVANT RISKS**

3.1 Some inconsistencies and typographical errors have been identified which need to be amended to ensure there is no confusion or misunderstanding of the Council's Constitution.

3.2 The Council is committed to continuous improvement of its constitutional arrangements and regular and timely review of the Constitution to mitigate any risks that may arise. This approach is consistent with good practice.

#### **4.0 OTHER OPTIONS CONSIDERED**

4.1 None

#### **5.0 CONSULTATION**

5.1 The views of all Members on the Constitution and the new arrangements are being sought under the proposals outlined in this report.

#### **6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

6.1 None

#### **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

7.1 None.

#### **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

8.1 Support comes from within existing resources which have been realigned to meet the new requirements.

#### **9.0 LEGAL IMPLICATIONS**

9.1 As set out in the report.

#### **10.0 EQUALITIES IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality

No – the changes proposed do not require an EIA to be undertaken.

#### **11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

11.1 None

#### **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

12.1 None

#### **13.0 RECOMMENDATIONS:**

**That the Committee:**

- 13.1 Agrees the Member Survey set out in Schedule 1
  
- 13.2 To determine whether the additional questions set out in Schedule 2 are to be included in the Member Survey;
  
- 13.3 Agrees the proposed amendments to the Constitution set out in Schedule 3 be circulated to Members for comment.
  
- 13.4 Subject to recommendations 13.1 – 13.3 above, Member Survey and proposed changes to the Constitution be circulated to Members for completion/comments between 13-24 January 2014 and the results be reported to the Standards Working Group and the Committee for consideration.

**14.0 REASON/S FOR RECOMMENDATION/S**

14.1 It is good practice to keep the Constitution and Ethical Framework under review and ensure that it remains fit for purpose.

**REPORT AUTHOR:** Surjit Tour  
Head of Legal & Member Services  
  
telephone (0151) 691 8569  
email surjittour@wirral.gov.uk

**APPENDICES**

- Appendix 1 – Draft Member Survey
  
- Appendix 2 - Additional Member Survey Questions
  
- Appendix 3 - Proposed changes to the Constitution

**BACKGROUND PAPERS/REFERENCE MATERIAL**

Relevant Acts and Regulations

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date
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**Standards and Constitutional Oversight Committee**  
**Council**

**26 November 2013**

**16 December 2013**