

WIRRAL COUNCIL

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

3 MARCH 2015

SUBJECT:	<i>SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP</i>
WARDS AFFECTED	<i>ALL</i>
REPORT OF:	<i>HEAD OF LEGAL AND MEMBER SERVICES AND MONITORING OFFICER</i>

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides details of the work undertaken by the Standards and Constitutional Oversight Working Group during the 2014/15 Municipal Year.
- 1.2 The Working Group has considered the following matters and/or made recommendations for consideration by the Committee:
- Development of Member Values and Behaviours;
 - Review of the Council's Constitution;
 - Policy on Reporting on Council Meetings; and
 - Review of the Protocol on Member/Officer Relations

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Committee at its meeting on 3 July 2014 re-established its Standards and Constitutional Oversight Working Group.
- 2.2 The work of the Working Group during this Municipal year focused on specific areas – see paragraph 1.2 above.
- 2.3 The Working Group has now completed some of its work. However further work is still required in relation to the review of the Council's Constitution.

Development of Member Values and Behaviours

- 2.4 The Working Group was advised that there were plans to work with Members in relation to defining and agreeing a set of Member Values and Behaviours. A programme underpinning this work is still being developed and will be shared with the Working Group (and all Members) in due course.

- 2.5 The Working Group has not considered this matter in any detail and therefore no recommendation(s) are being proposed in respect of this matter.

Review of the Council's Constitution

- 2.6 The Working Group has commenced a review of the Council's Constitution. However this work is not yet complete.
- 2.7 The Working Group decided that it was not necessary to undertake a further Member Survey in relation to the Council's Constitution at this time.
- 2.8 The Working Group did however focus its attention specifically on the Council's Procedure Rules contained within the Constitution. A benchmarking exercise has been undertaken in which the Working Group was provided with Procedure Rules and Council Agendas of a number (16) of Councils. This helped the Working Group appraise the Council's current arrangements in greater detail and facilitate debate and discussion about how the Council's democratic and decision-making arrangements could be improved.
- 2.9 Given the nature and extent of the review being undertaken, the Working Group has not been able to complete its review of the Council's Constitution. The Working Group is proposing that it continues to meet so that it can complete its review and report progress/recommendations to the Committee in due course.

Policy on Reporting on Council Meetings

- 2.10 The Council's position with regards to reporting/filming at Council and committee meetings is in essence determined by The Openness of Local Government Bodies Regulations 2014 ("the Regulations") which came into force in August 2014. A copy is attached to this report.
- 2.11 The Working Group has reviewed the Council's current position with regards to the reporting (which includes filming, tweeting, blogging) of Council meetings and developed a "Policy on Reporting Council Meetings", which is set out at Appendix 1 to this report.
- 2.12 The Policy seeks to provide guidance to the public, Members, Officers and those with responsibility for chairing Council meetings and takes account of the The Openness of Local Government Bodies Regulations 2014 and the Department of Communities and Local Government ("DCLG") Guide (which forms part of the Appended Policy).
- 2.13 The Policy seeks to provide clarity/guidance with regards to the legal position of those entitled to report on Council meetings and balancing that right with the rights of those who must or may not want to be identified in film, photographs or other media/device (whether electronically or otherwise).
- 2.14 The Policy reinforces/reinstates the Council's commitment to open and transparent decision making; and sets out the remit and scope of the 2014 Regulations in relation to the meaning of "reporting". Importantly, the Policy sets out obligations upon those who wish to report on Council meetings. This is not only to ensure compliance with the

2014 Regulations, but also provide a basis to consistently manage and address any competing issues that may arise. The Chairperson of Council meetings has the discretion to determine any tension/dispute that may arise with regards to the application and interpretation of the 2014 Regulations, the DCLG Guide and the Policy.

- 2.15 The Committee is therefore requested to approve the proposed Policy on Reporting Council Meetings and recommend the same for approval to the Council. It is further recommended that the Council delegates authority to this Committee to review, amend and/or change the Policy.

Review of the Protocol on Member/Officer Relations

- 2.16 The Working Group as part of its consideration of the Council's Constitution reviewed the Protocol on Member/Officer Relations which had not been reviewed for a number of years.
- 2.17 The Protocol provides a framework and basis governing how Members and Officers are to work together. The Protocol is not intended to be a definitive list of behaviours and conduct but rather seeks to provide a framework and articulate the spirit in which Members and Officers should work.
- 2.18 The Protocol has not been changed significantly but instead updated and where necessary clarified.
- 2.19 The Committee is therefore asked to agree the revised Protocol at Appendix 2 to this report and recommend the same to Council for approval.

3.0 RELEVANT RISKS

- 3.1 The Council must ensure that the Constitution and other working arrangements/practices are effective and compliant with relevant legislation.
- 3.2 By undertaking a regular review of the Constitution and other key aspect of the Council's practices, the risks to the Council are mitigated.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 The Working Group considered relevant information available and benchmarking information to help inform its decision making.

5.0 CONSULTATION

- 5.1 The Standards Working Group has a consultative role by virtue of its cross-party membership. No formal consultation is necessary in respect of the matter falling within this report.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 There are no such implications arising.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 There are no such implications arising.

8.0 LEGAL IMPLICATIONS

8.1 The legal implications have been set out in this report.

9.0 EQUALITIES IMPLICATIONS

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

(a) No EIA is required.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 There are no such implications arising.

12.0 RECOMMENDATION/S

12.1 That the Committee:

- (a) Notes the work of the Working Group and agrees to the Working Group continuing to meet to progress its current work.
- (b) Agrees the Policy on Reporting on Council Meetings set out at Appendix 1 to this report and recommends the same to Council for approval;
- (c) Subject to (b) above, recommends to Council that the Standards and Constitutional Oversight Committee have delegated authority to revise, amend and/or change the Policy on Reporting on Council Meetings;
- (d) Agrees the revised Protocol on Member/Officer Relations set out at Appendix 2 to this report and recommends the same to Council for approval; and
- (e) Subject to (d) above, recommends to Council that the Council's Constitution be updated with the Protocol on Member/Officer Relations set out at Appendix 2.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The recommendations are necessary to ensure compliance with legal obligations and improve governance arrangements.

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APPENDICES

Appendix 1 - Policy on Reporting on Council Meetings (which includes the DCLG Guide)

Appendix 2 - Protocol on Member/Officer Relations