

WIRRAL COUNCIL

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

23 NOVEMBER 2015

SUBJECT:	SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP
WARDS AFFECTED	ALL
REPORT OF:	HEAD OF LEGAL AND MEMBER SERVICES AND MONITORING OFFICER

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides details of the constitutional review undertaken by the Standards and Constitutional Oversight Working Group during this municipal year.
- 1.2 The Working Group has considered the following matters and made recommendations for consideration by the Committee:
- Council Procedure Rules
 - Call-in arrangements
 - Employment and Appointment Committee's Terms of Reference
 - Scheme of Delegation to Officers – technical updates
 - Procedure for Dealing with Referred Notices of Motions

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Committee at its meeting on 1 July 2015 re-established its Standards and Constitutional Oversight Working Group.
- 2 The work of the Working Group during this municipal year focused on the specific areas detailed at paragraph 1.2 above.
- 2.2 The Working Group has now completed its review on the above matters and has made recommendations to the Committee for consideration which are set out in the Appendices to this report.

Review of the Council's Constitution

- 2.3 The Working Group concluded the review of the Council's Procedure Rules which the Working Group commenced last municipal year.
- 2.4 The Working Group had regard to the benchmarking exercise that was undertaken which consisted of the 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.

Council Procedure Rules

- 2.5 The Working Group recognised that ordinary council meetings needed to change to become more engaging and provide greater opportunity for debate.
- 2.6 With this in mind, the Working Group has recommended changes to the Council's Procedures Rules that seek to streamline the business of council and allow greater time for debates.
- 2.7 The proposed changes include:
 - i. Changes to the start and end times for Ordinary Council meetings - to 6.00pm and 9.15pm respectively.
 - ii. Changes to how Executive and Policy and Performance Chairs Reports and questions are dealt with. The change reduces the time spent on such matters to thirty minutes rather than one and half hours. Questions on Executive and Policy and Performance Reports are to be taken in any order.
 - iii. The order of business of ordinary council has been varied so that Notices of Motion are dealt with last (save for any urgent business).
 - iv. Council will be required to deal with its other business save for Notices of Motion and Any Urgent Business by 7.15pm so that Council has more time to debate Notices of Motion.
 - v. Valid Notices of Motion will only require a Proposer and Seconder to sign the Notice rather than a Proposer and five other supporting members.
 - vi. Notices of Motion would be debated in a specific order based on the size of political groups.
 - vii. To ensure Council time is utilised more effectively, the time allowed for speeches/replies are to be revised – A proposer of a motion will have 5 minutes rather than 7 to introduce it; the Seconder will have 3 minutes rather than 5 and rights of reply shall be limited to 3 minutes rather than 7.
 - viii. The Council Agenda will only include Items that require Council to deal with a matter – for example, if there are no vacancies to address, the Agenda will not include that item.

Call-In

- 2.8 The Working Group also reviewed how effective the Council's arrangements are for dealing with call-ins. Particular regard was had to recent call-ins that related to high profile matters and adjournments.

2.9 The Working Group recognised that it was not satisfactory for call-in hearings to last late into the evening, particularly when members of the public were in attendance (sometimes with children). Moreover, the Working Group acknowledged that it was not appropriate that call-ins that were adjourned could not be heard for several weeks/months due to availability issues.

2.10 Accordingly, the Working Group agreed that:

- i. All call-in meetings start at 4pm unless otherwise agreed by the Chairperson;
- ii. A call-in panel consisting of 9 voting members (together with any relevant co-opted members as required) be established to hear call-ins;
- iii. The call-in panel shall be quorate if 6 voting members are in attendance; and
- iv. If a call-in is adjourned, it must be re-convened within 7 working days thereafter or abandoned if that is not possible and the matter be re-heard from the start.

2.11 The Working Group considered the issue of whether Minority reports should be permitted which allowed a political group that is not satisfied with the call-in outcome to refer the subject matter to Council. Council can debate the subject matter but has no jurisdiction to review/change the Executive decision.

2.12 The Working Group debated the continuation of Minority Reports being permitted; however by majority vote, agreed that there be no such provision.

Employment and Appointment Committee's Terms of Reference

2.13 The Working Group was requested to review the current terms of reference for the Employment and Appointments Committee. The current terms primarily relate to appointments and disciplinary matters of senior officers.

2.14 The Working Group agreed that the terms of reference be extended to include the approval of workforce/employment related policies and schemes; the monitoring of performance and management matters; and that the Chairperson be granted authority to make minor amendments to workforce/employment policies and schemes.

Scheme of Delegation of Functions to Officers

2.15 The Working Group reviewed technical amendments to the Scheme of Delegation which relate to statutory updates and authorisations to named post holders following restructure changes and a generic provision to allow delegation to be exercised by relevant authorised officers.

APPENDIX 1

2.16 **Appendix 1** to this sets out the proposed amendments to the Constitution which relates to the areas detailed above. For illustrative purposes a draft Council Summons showing the proposed ordering of items is also included.

Procedure for Dealing with Referred Notices of Motion

- 2.17 The Working Group debated the issue of the Civic Mayor continuing to review Notices of Motion and determining which should be referred to the Executive or a Committee of the Council rather than be debated.
- 2.18 The Working Group was not able to reach a unanimous decision on this issue but it was agreed by majority vote that the status quo should remain.
- 2.19 In view of the Working Group's decision, it was also agreed that where Notices of Motion have been referred by the Civic Mayor, the Standards and Constitutional Oversight Committee shall have the responsibility of determining the procedure for how such referrals are dealt with.
- 2.20 To assist the Committee in this regards a draft Procedure has been prepared and agreed by the Working Group and is set out at **Appendix 2** for approval (subject to Council agreeing the Committee's onward recommendations on this matter).

Working Group Work Programme

- 2.21 The Working Group will continue to meet during the municipal year and will focus its attention on the following:
- i. Members' Code of Conduct;
 - ii. Protocol for Dealing with Complaints Against Members;
 - iii. Promoting High Standards of Conduct; and
 - iv. Members' ICT Policy.
- 2.22 A further report will be provided to the committee in due course in relation to the work of the Working Group (which will be depending on what work is completed).

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 Ethical Framework and other key aspects 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 to date and the planned work to be undertaken.
- (b) Agrees the proposed changes to the Council's Constitution set out at Appendix 1 to this report and recommends the same to Council for approval.
- (c) Recommends to Council that the Head of Legal and Member Services be authorised to make the necessary changes to the Constitution to give effect to the proposed changes set out at Appendix 1.
- (d) Subject to Council approving the proposed amendments to the Constitution at (b) above, the Procedure for Dealing with Referred Notices of Motion as set out in Appendix 2 to this report be approved and shall take effect as from 15 December 2015 onwards.

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 - Schedule of Proposed Changes to the Council's Constitution.

Appendix 2 - Procedure for Dealing with Referred Notices of Motion