

STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Monday, 10 October 2016

Present: Councillor D Roberts (Chair)

Councillors RL Abbey P Gilchrist
C Blakeley B Kenny
G Ellis Cummings

In attendance: Independent Member B Cummings

45 APOLOGIES FOR ABSENCE

No apologies were received.

46 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

47 DRAFT MEMBERS' ICT POLICY

The Head of Legal and Member Services introduced the draft Elected Members – Information & ICT Security Acceptable Use Policy. He informed that the document provided information to Councillors, confirming their responsibilities as a new or existing Elected Member of Wirral Council in terms of the acceptable use of council information and ICT facilities.

The Head of Legal and Member Services explained that as well as outlining Members responsibilities under the Data Protection Act it also detailed the key policy rules to be followed to ensure the safe handling, storage and use of council and constituents' information. He added that it supplemented the [Wirral Council Members' Code of Conduct](#), and subsequent to consideration at the Standards and Constitutional Oversight Committee and Council it would replace the existing 'Use of Council Computer Facilities Code of Practice – Members' document. He further informed that a more user friendly note / briefing paper would be produced to accompany the Policy.

A Member commented that the document required amendment at paragraph 6.1 and Appendix 1, paragraph 13, which made reference to the Standards Board for England – now disestablished.

Members further noted that paragraph 5.38 required updating to incorporate clarification on policy on the use of social media services such as Facebook, Instagram, LinkedIn and Twitter.

Agreed – That subject to the minor revisions identified, the Members' ICT Policy be endorsed for consideration by the Standards and Constitutional Oversight Committee.

48 DRAFT MAYOR'S CHARITY TERMS OF REFERENCE

Following a brief introduction from the Head of Legal and Member Services who informed that work continued to take stock of the Civic Function (as part of a wider review of Legal and Member Services) and the governance arrangements relating to the Mayor's Charity, it was agreed that this item be deferred to the next meeting of the Working Group.

Agreed – That the item be deferred to the next meeting of the Working Group.

49 DISCLOSURE BARRING SERVICE - CHECKS FOR COUNCILLORS

The Head of Legal and Member Services introduced the item on the current requirements and reasons for the use of a Disclosure Barring Service for Elected Members.

Members were informed that the Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The Working Group considered the risk of reputational damage to the Council should it not meet the legal requirements of disclosure. A number of Members commented that the matter had been raised in meetings held in the Constituencies, particularly by Elected Members who, during the course of their work, would be meeting with vulnerable persons in their homes or at pre-arranged Member surgeries.

A number of points were covered during discussion on the subject, including:

- Conflicting and ambiguous advice from government on the need for enhanced DBS checks for Councillors.
- DBS technically only valid on the day of issue.
- Whether all Councillors should be subject to a 'blanket' enhanced DBS check.
- Levels of DBS checks when Councillors working as School Governors.
- Whether multiple checks were required.

- Impact on the number of home visits undertaken by Councillors because of Wirral's ageing population – particularly when dealing with urgent matters of personal business – often requiring face-to-face contact.

Members were united in the view that blanket coverage for all Councillors was required. The Head of Legal and Member Services requested that evidence in support of the request (from political groups) would be required. He advised that a record of the number of events / occurrences would be helpful when it came to putting the case forward for such a request.

Following further discussion on the validity of School Governor DBS check evidence for use in other circumstances , and the requirement to provide evidence when asked (ST advised that the Council would be the body to provide such assurance), it was agreed that this item be deferred to the next meeting of the Working Group.

Agreed – That the item be deferred to the next meeting of the Working Group.

50 SCRUTINY CALL-IN PROCEDURES

The Head of Legal and Member Services introduced the item on the matter of recent conversations regarding the request for special meetings - that included call-in meetings of Overview and Scrutiny Committees.

A short discussion took place regarding the current Council Standing Orders that relate to the calling of such meetings, primarily SO 26(2), that:

'A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting shall be held within 14 days of the date of receipt of the requisition, the actual date being determined by the Head of Legal and Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.'

The Head of Legal and Members Services informed that this was the default position, and allowed reasonable time to deal with the administrative arrangements and legal requirements for the calling of such meetings. He added that this was of course subject to, and reliant upon Member availability. It was agreed that Members would further consider a form of words to provide clarity on the matter.

Agreed – That further clarification on the wording on arrangements for the calling of special meetings -Standing Order 26(2) - be considered at the next meeting of the Working Group.

51 **ANY OTHER BUSINESS - COUNCIL PROCEDURE RULES**

At the request of a Member, and the agreement of the Chair, an additional discussion took place regarding the situation that had arisen with regard to the meeting of Council scheduled for the 17 October and that although seven Notices of Motion had been submitted, only one had been scheduled for debate. The Member pointed out that the work recently undertaken by the Standards and Constitutional Oversight Committee and the Working Group had specifically been targeted at the Council Agenda and order of business for meetings to ensure that less time was taken up by administrative business to allow more time for topical debate.

The Head of Legal and Member Services informed that the Working Group was well within its powers to re-visit the matter and look at further alternatives on what works and what doesn't.

It was agreed that this item be included as an item on the agenda for the next meeting of the Working Group.

Agreed – That the subject of Council Procedure Rules and Notices of Motions be included on the Agenda for the next meeting of the Working Group.

52 **DATE AND TIME OF NEXT MEETING**

The next Working Group meeting was scheduled for Monday 26 October 2016, 15:00hrs at Wallasey Town Hall, Committee Room 3.