

# STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP

Thursday, 29 June 2017

Present: Councillor M McLaughlin (Chair)

Councillors C Blakeley P Gilchrist  
WJ Davies (In place of RL Abbey) P Stuart  
G Ellis

Independent Prof R Jones  
Member

## 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ron Abbey.

## 2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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 such declarations were made.

## 3 TERMS OF REFERENCE - 2017

The Assistant Director: Law and Governance introduced the summary paper that set out the Terms of Reference – 2017 for the Standards and Constitutional Oversight Working Group.

The document set out the scope and remit, membership, voting and meeting arrangements and that the Working Group shall only be permitted to make recommendations to the Council's Standards and Constitutional Oversight Committee in relation to matters falling within the agreed scope and remit.

**Resolved – That the Terms of Reference for the Standards and Constitutional Oversight Working Group (2017) be agreed.**

#### 4 **RECRUITMENT OF INDEPENDENT MEMBERS - UPDATE**

Shirley Hudspeth, Committee and Civic Services Manager provided the Working Group with an oral update on progress made in respect of the recruitment of Independent Members.

The Working Group was informed that a Public Notice had been published on 30 April 2017 and 5 applications had been received to date – 4 from the Wirral (Thingwall, Moreton and Wallasey x2), and one from outside the borough (Newport, Shropshire). Members noted that a briefing note and a set of interview questions were currently being prepared.

The Chair enquired if there were sufficient numbers to progress to the interview stage. The Committee and Civic Services Manager confirmed that this was the case, although more candidates would have provided greater flexibility in terms of the conducting of business.

The Committee and Civic Services Manager enquired of Members' availability for the interview selection process and suggested that a daytime meeting on either 13 September or 14 September might fit well with Members' diary commitments. Members agreed that candidates should be contacted accordingly.

The Working Group agreed that the Interview Panel comprise of three Elected Members on a cross-party basis (1-1-1). Councillors McLaughlin, Blakeley and Gilchrist confirmed that they would be willing to serve on the Interview Panel.

#### **Resolved – That**

- (1) applicants for the role of independent Members be contacted with regard to selection interviews to be held on either 13 or 14 September 2017; and**
- (2) an Interview Panel be established of three Elected Members on a cross-party basis (1-1-1) with a membership comprising:**

**Cllr M McLaughlin  
Cllr C Blakeley  
Cllr P Gilchrist**

## **5 CO-OPTED MEMBERS FOR THE CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE**

Patrick Sebastian, Committee Officer updated the Working Group on actions taken to date following the recent resignation of co-opted Members of the Children and Families Overview and Scrutiny Committee.

Members were informed that the two diocese had been contacted regarding replacement members, and that nominations were promised in due course. The Committee Officer further informed that the Parent Governor vacancy had also been reported to Wirral schools in May 2017, but as yet no applications / nominations had been received. A reminder notification was diarised for the week following this meeting of the Working Group.

The Assistant Director: Law and Governance provided advice, and re-iterated the legal requirement and importance of such co-opted members in the scrutiny of educational matters.

**Resolved – That the oral update be noted.**

## **6 WIRRAL COUNCIL MEMBERS' CODE OF CONDUCT AND PROTOCOL**

The Chair of the Working Group and the Assistant Director: Law and Governance jointly introduced the item and informed that it was the role of the Working Group and subsequently the Standards and Constitutional Oversight Committee to continually review the Members' Code of Conduct and Protocol. The Assistant Director: Law and Governance advised that it was important that Members highlight key areas of focus for timely reviews of the Members' Code of Conduct and Protocol.

A Member commented on the practical procedures in place to monitor and/or highlight Member attendance at meetings and how absence through illness was managed.

The Chair requested clarification on the matter of sanctions available in cases where the Code of Conduct had been broken. Another Member pointed out that the most punitive sanction i.e. suspension was available where the law had been broken falling to the Police, DPP and Magistrates to pursue via the courts.

The Chair sought advice on the particular matter of when a Member could argue they were acting in a personal capacity. The Working Group was informed that there was no distinction and Members were considered to be acting in their role of Councillor at all times, this included when using Social Media even when 'posts' did not highlight an individual's appointment as an Elected Member.

The Working Group considered the Chair's request that a review of the Council's Social Media Policy be included in its Work Programme for 2017.

**Resolved – That the Council's Code of Conduct, Member sanctions, investigation timescales, Member/Officer Protocol and the Council's Social Media Policy be included in the Standards and Constitutional Oversight Work Programme 2017.**

## 7 WORK PROGRAMME

Further to the previous item, the Assistant Director: Law and Governance informed that it was important that the Working Group highlight key areas of focus for inclusion and review as part of the Work Programme 2017.

A Member summarised the previously agreed topics, namely:

- Timescales for dealing with breaches in the Member Code of Conduct;
- Sanctions;
- Member/Officer Protocol; and
- Social Media Policy

Another Member requested that the matter of Disclosure and Barring Service (DBS) checks for Elected Members be reconsidered given that many, if not all, Councillors would be visiting vulnerable residents in their own homes as part of their Ward work. The Assistant Director: Law and Governance informed that he would take the matter up with Human Resources and report back to the Working Group. He added that guidance for Members regarding unsupervised visits could be helpful. A Member identified that any form of additional advice or protection in terms of DBS vetting would aid them in the delivery of their Ward duties.

The Chair questioned the Assistant Director: Law and Governance on the subject of the filming of Council meetings and whether a Policy review on the subject would be beneficial, given that the Council had plans to introduce the filming and webcasting of its meetings.

The Working Group was informed that this was a matter that would form the topic of a report to its next meeting and would include an update on the reasonableness of facilities, tender information, replacement of audio equipment and a holistic solution that could include the definition of certain areas for location of filming by members of the public (to help avoid the interference of meeting proceedings).

A Member pointed out that the Members' Allowance Scheme required clarification on the subject of amounts payable in terms of overseas travel

subsistence and accommodation. The Civic and Committee Services Manager informed that the Members' Allowance Scheme was under review by the Independent Panel on Members' Allowances and that this would matter would be included as part of their review.

**Resolved – That the following items be included in the Standards and Constitutional Oversight Work Programme 2017:**

- **Council's Code of Conduct, Member Sanctions and Investigation Timescales;**
- **Social Media Policy;**
- **Member/Officer Protocol**
- **Disclosure and Barring Service - Councillors; and**
- **Filming Of Public Meetings - Protocol**

**8 DATE AND TIME OF NEXT MEETING**

**Resolved – That the next meeting of the Standards and Constitutional Oversight Working Group be scheduled for Monday 24 July 2017 at 15:00hrs.**