

CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 23 June 2021

Present: Councillor P Gilchrist (Chair)

Councillors C Cooke S Williams
T Cox J Williamson
C Jones P Hayes
S Foulkes AER Jones (In
K Greaney place of P Stuart)
S Hayes (In place
of M McLaughlin)

In attendance: Independent Persons

Professor R Jones
J McCosh

1 **NOMINATION OF CHAIR AND VICE-CHAIR OF THE CONSTITUTION AND STANDARDS COMMITTEE**

Phil McCourt, Director of Law and Governance welcomed members of the Constitution and Standards Committee to the meeting and sought nominations for the role of Chair of the Committee for the 2021/22 Municipal Year.

It was moved by Councillor Paul Hayes, seconded by Councillor Steve Williams that Councillor Tony Cox be appointed Chair.

It was also moved by Councillor Chris Cooke, seconded by Councillor Janette Williamson that Councillor Phil Gilchrist be appointed Chair.

The Director of Law and Governance put it to the vote, where there were 3 votes for Councillor Tony Cox and 7 votes for Councillor Phil Gilchrist. It was therefore –

Resolved – That Councillor Phil Gilchrist be appointed as Chair of the Constitution and Standards Committee for the 2021/22 Municipal Year.

Councillor Phil Gilchrist in the Chair

The Chair invited nominations for the role of Vice Chair of the Constitution and Standards Committee for the 2021/22 Municipal Year.

It was moved by Councillor Janette Williamson and seconded by Councillor Steve Foulkes that Councillor Paul Stuart be appointed Vice-Chair.

No other nominations were received.

Resolved – That Councillor Paul Stuart be appointed as Vice Chair of the Constitution and Standards Committee for the 2021/22 Municipal Year.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Moira McLaughlin, Councillor Paul Stuart and Graham Kerr (Independent Member).

3 **DECLARATIONS OF INTERESTS**

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 declarations were made.

4 **MINUTES**

Resolved – That the accuracy of the minutes of the meeting held on 24 February 2021 be agreed.

5 **PUBLIC AND MEMBER QUESTIONS**

The Chair informed the Constitution and Standards Committee that no petitions, public questions, Member questions, or requests to make a statement had been received.

6 **PROPOSED MEMBERS' CODE OF CONDUCT 2021**

Phil McCourt, Director of Law and Governance introduced the report which set out a proposed revised Members' Code of Conduct. The Committee was reminded that following the introduction of the Localism Act in 2012, councils were free to adopt their own Code of Conduct as long as they accorded with the Nolan Principles. A review had since taken place which concluded that many Councils' codes did not comply with best practice, and therefore it was recommended that the Local Government Association produce a model code for councils to adopt.

Members were advised that following the last meeting where the draft model code was considered, councils across the Liverpool City Region had considered the model code and provided minimal comments which the Local Government Association had accepted, therefore the code was before members for consideration. It was anticipated that a full suite of guidance would be circulated to supplement the code.

Members acknowledged the requirement for an annual review of the Code of Conduct.

Resolved – That Council be recommended to adopt the Members’ Code of Conduct as attached at Appendix A.

7 **CHANGE IN GOVERNANCE ARRANGEMENTS: UPDATE ON IMPLEMENTATION**

Steve Fox, Head of Democratic and Member Services introduced the report of the Director of Law and Governance which gave an update in respect to the implementation of the change in governance arrangements following the adoption of a new Constitution by the Council at the Annual Meeting held on the 28th September 2020. The report included updates on the implementation of the committee programme, training and constitution review and work programming.

The Committee was reminded that committee meetings had now transitioned from virtual to in-person, held at the Floral Pavilion in line with the venue’s own risk assessment as well as a bespoke committee meeting risk assessment which had been shared with members and officers attending. It was reported that meetings so far had been successful and the staff at the Floral Pavilion were thanked for their support.

An update was provided on the training programme for members and officers, with resources within Democratic Member Services having been restructured to offer more support to members. The member induction programme had mainly been delivered virtually which allowed for the training to be more easily captured and as a result a library of training resources had been made available to members. A further update was provided in relation to issues yet to be considered by the Committee, including a review of the Petition Scheme and a discussion on Media Guidelines, alongside a recommendation from Council for the Independent Remuneration Panel to consider a range of issues as detailed in the report, the outcomes of which would be reported back to the Committee in Autumn 2021.

Members considered the size of the Governance Working Group as well as the role of the Member Support Steering Group moving forward where members were advised that the Steering Group would consider a range of issues including:

- Ongoing programme of member training and best use of the member learning and development budget.
- Review of the new member induction.
- Overview of the member Portal.
- Review of the ICT offer to members

It was proposed by Councillor Phil Gilchrist, seconded by Councillor Tony Cox that the Governance Working Group continue to be one member from each group.

The motion was put and agreed by assent.

A further discussion ensued on the wellbeing of elected members and the stresses and strains imposed on Councillors as part of their role. Members highlighted the difficulty in managing a work life balance and felt that there were fewer structures in place to support Councillors as they were not employees, and that member welfare needed to be included in the Council's governance structure.

It was moved by Councillor Phil Gilchrist, seconded by Councillor Steve Foulkes, that –

“the Committee places on record its thanks to officers and staff for the arrangements made to continue the democratic process.”

The motion was put and agreed by assent. It was therefore –

Resolved – That

- 1) membership of the Governance Working Group be 1 member from each political group.**
- 2) the Monitoring Officer as proper officer be authorised to carry out the wishes of the Group Leaders in allocating Members to the Governance Working Group and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.**
- 3) the Director of Law and Governance be requested to convene meetings of the Independent Remuneration Panel to consider the issues raised in section 3.3 of the report with a view to submitting an outcomes report to this Committee in Autumn 2021.**
- 4) the Committee places on record its thanks to officers and staff for the arrangements made to continue the democratic process.**

8 FLAG FLYING PROTOCOL

Steve Fox, Head of Democratic and Member Services introduced the report of the Director of Law and Governance which provided an overview of the current Flag Flying Protocol as adopted by the Standards and Constitutional Oversight Committee in October 2016, and an opportunity to review the

protocol in light of further guidance from the Ministry of Housing, Communities and Local Government on flying of the Union Flag.

The Committee was advised that it was sensible to periodically review its protocols and that the report had been produced in response to government guidance on the flying of the Union Flag. Members discussed the flying of the Union Flag and felt that it was not a good use of the Committee's time to review the protocol.

It was proposed by Councillor Phil Gilchrist, seconded by Councillor Janette Williamson that –

“the Committee sees no immediate need to review the protocol adopted in 2016 and will consider any further government guidance issued at an appropriate time.”

The motion was put and agreed by assent, it was therefore –

Resolved – That the Committee sees no immediate need to review the protocol adopted in 2016 and will consider any further government guidance issued at an appropriate time.

9 **GUIDING PRINCIPLES FOR ESTABLISHING WORKING GROUPS**

Steve Fox, Head of Democratic and Member Services introduced the report of the Director of Law and Governance, which presented the Committee with suggested guiding principles that the Council's Committees should consider when establishing Working or Task & Finish Groups.

The Committee was advised that the document had been developed to address some of the concerns already expressed by members during the meeting around the demands placed on Councillors to attend meetings. It was reported that since the commencement of the committee system, 60 Task and Finish Group meetings had taken place which whilst commendable, placed extra demands on officers and members in an already busy committee calendar. Therefore, the document had been designed to supplement the information contained within the constitution and provide a useful tool for members and officers to use when considering whether to establish a Working Group.

Some members raised concerns over the number of Working Groups and felt that they should be kept to a minimum to ensure that as much business was undertaken in a public arena. It was further raised that on occasions members required a space to speak freely which Working Groups provided. A further discussion was had regarding the advised limit of two working groups per Committee at any one time, which following the discussion members felt was an appropriate number.

Resolved – That

- 1) **the Guiding Principles for Establishing a Working Group or Task and Finish Group be noted.**
- 2) **the Guiding Principles for Establishing a Working Group or Task and Finish Group be circulated to all Policy Committee Chairs & Group Spokespersons and Senior Officers to assist them when determining if they wish to establish such Groups.**

10 **APPOINTMENT OF PANELS, STATUTORY/ADVISORY COMMITTEES AND WORKING PARTIES 2021/2022**

Phil McCourt, Director of Law and Governance introduced the report, which enabled the Committee to appoint members and named deputies to serve on the statutory and advisory committees and panels that were to be retained in 2021/22.

It was moved by Councillor Phil Gilchrist, seconded by Councillor Steve Foulkes, that an addition to the role of Member Support Steering Group be added as follows –

“Provide an overview of support to members in fulfilling their roles and duties as Councillors.”

The motion was put and agreed by assent. It was therefore –

Resolved – That

- 1) **the Monitoring Officer as proper officer be authorised to carry out the wishes of the Group Leaders in allocating Members to membership of the Statutory and Advisory Committees listed in the report and to appoint those Members with effect from the date at which the proper officer is advised of the names of such Members.**
- 2) **‘Provide an overview of support to members in fulfilling their roles and duties as Councillors’ be added to the role of the Member Support Steering Group.**