

## **CONSTITUTION AND STANDARDS COMMITTEE**

**Wednesday, 28 February 2024**

<b>REPORT TITLE:</b>	<b>REVISIONS TO THE CONSTITUTION</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND CORPORATE SERVICES</b>

### **REPORT SUMMARY**

This report provides a summary of the discussions held by the Governance Working Group over the course of the last municipal year in respect to proposed changes to the Constitution. The proposed changes were in relation to:

- Officer Code of Conduct
- Member Officer Protocol
- Media Protocol
- Financial Procedure Rules
- Members Allowance Scheme
- Public Questions and Petitions
- Minor amendments

This matter affects all wards. This is not a key decision. The report contributes to the delivery of all Council Plan Priorities by ensuring that the Council's decision-making process is as effective as possible.

### **RECOMMENDATION/S**

The Constitution & Standards Committee is recommended to agree that the proposed amendments to the Constitution, as detailed in sections 3.3 to 3.13 of the report, be referred to the Council for consideration and approval at the Annual Meeting in May 2024.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Committee are requested to consider the recommendations detailed in the report and recommend that they be submitted to the Council Meeting in May for approval. All agreed changes will be incorporated into a revised Constitution which will be published for the 2024/2025 municipal year.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 It is good practice to periodically review parts of the Constitution. It was necessary to review the Members Allowances Scheme given the change in Chair arrangements at the Liverpool City Region Transport Committee. Consequently, no alternative options were considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 As part of its annual work programme to ensure that the Constitution remains fit for purpose, the Governance Working Group has reviewed several sections of the Constitution at its meetings throughout the 2023/24 municipal year.
- 3.2 All recommendations are detailed within this report for endorsement by the Constitution and Standards before a revised draft Constitution is presented to Council for approval.

#### **Officer Code of Conduct**

- 3.3 A revised Officer Code of Conduct was presented to the Governance Working Group on 25 September 2023 having been redrafted by officers in the Organisational Development team. This work aimed to align the Code of Conduct with other corporate strategies and policies in terms of format and accessibility. The revised Officer Code of Conduct is attached at Appendix A. **The Committee is requested to recommend to Council its inclusion in the Constitution.**

#### **Member Officer Protocol**

- 3.4 The Member Officer Protocol had not been reviewed since 2016 and therefore the Governance Working Group felt it was timely to review it. Having reviewed the content of the protocol, officers were content that it was mostly still pertinent, and that the protocol was fit for purpose. A proposed redraft was submitted to the Working Group for consideration on 22 November 2023 which included an amalgamation of sections 4, 5 and 8, as well as the information pertaining to access to information for members being moved to the Access to Information Procedure Rules. The Governance Working Group endorsed this approach and therefore the revised Member Officer Protocol is attached at Appendix B, and revised Access to Information Procedure Rules attached at Appendix C. **The Committee is requested to recommend to Council their inclusion in the Constitution.**

## Media Protocol

- 3.5 The Media Protocol had not been reviewed since 2020 and therefore it was felt to be good practice for the document to be reviewed to ensure it was fit for purpose. The Head of Communications presented a re-drafted protocol to the Governance Working Group at its meeting on 19 February 2024. The Working Group endorsed the revised protocol which is attached at Appendix D. **The Committee is requested to recommend to Council it's inclusion in the Constitution.**

## Financial Procedure Rules

- 3.6 The Director of Finance has undertaken a review of the Financial Procedure Rules and looked to reduce the length of the document. The review sought to remove repetitious information which was included elsewhere in the Constitution and other policy documents, which had enabled a significant reduction in the length of the document. The Governance Working Group considered the revised procedure rules at its meeting on 19 February 2024 and endorsed the document, which is attached at Appendix E. **The Committee is requested to recommend to Council it's inclusion in the Constitution.**

## Members Allowance Scheme

- 3.7 The Independent Remuneration Panel met to give consideration to the possible inclusion of a Special Responsibility Allowance for the positions of Chair and Vice Chair of the Liverpool City Region Transport Committee in the event of a Wirral Member being elected to the position. Information was sought from the Liverpool City Region Combined Authority, the Metro Mayor, the past and current Chair as other LCR authorities. The Panel's recommendation is detailed in the table below:-

Transport Member allowance)	Committee (Basic	Enhancement	Remuneration Total
£5904.27		-	£5904.27
£5904.27		Opposition Spokesperson £2767.46	£8,671.73
£5904.27		Lead Member £4612.09	£10,516.36
£5904.27		Vice Chair £5,162.79	£11,067.06
£5904.27		Chair £10,325.58	£16,229.85

- 3.8 The Independent Panel also considered the current level of remuneration for Independent Persons. The Panel proposed an increase from £30 per meeting or per three hours to £60 per meeting or per three hours. The revised Members Allowance Scheme is attached at Appendix F. **The Committee is requested to recommend to Council it's inclusion in the Constitution.**

## Public Questions and Petitions

- 3.9 It was brought to the Governance Working Group's attention that Standing Order 2(v) which detailed the 30-minute time limit for public questions at Council Meetings did not apply to Committee or Sub-Committee meetings (Standing Order 24). At its meeting on 22 November 2023, the Working Group agreed that this rule should also apply to Committees and Sub-Committees, therefore a proposed redraft of Standing Order 10.7 is attached at Appendix G. **The Committee is requested to recommend to Council it's inclusion in the Constitution.**
- 3.10 The Governance Working Group further requested that the Petition Scheme be relooked at following recent experiences with a petition submitted with over 5,000 signatures. At its meeting on 26 January 2024, it was noted by the Working Group that it was difficult to verify whether signatories worked or studied in Wirral when providing a home address outside of Wirral. It was further noted that the requirement for submission of petitions 10 working days prior to a meeting was mainly to enable verification of signatures to ensure that they were valid to trigger a debate, but that only one petition submitted had exceed 5,000 signatures. The Working Group therefore proposed that:
- Petitions should be submitted by **12 noon 3 working days prior to a meeting**, in line with statements and questions;
  - Signatures to petitions that qualify for a Council debate **should only be from those who live in Wirral**;
  - The time limit for a Council debate for a petition with over 5,000 signatures be **increased from 15 minutes to 30 minutes**.
- 3.11 It was noted and accepted that the proposed change to the time limit for submission of petitions meant that any petition with over 5,000 qualifying signatures submitted to Council after the summons had been published would be debated at a subsequent Council meeting. The Working Group noted that members of the public could still arrange for petitions to be submitted well in advance of the summons publication to enable the petition to be debated at the same meeting it was submitted to.
- 3.12 The proposed changes to Standing Order 11.2 are detailed in Appendix G and the proposed changes to the Petition Scheme are detailed in Appendix H. **The Committee is requested to recommend to Council their inclusion in the Constitution**

## Minor Amendments

- 3.13 From 31 January 2024, new rules are in place in respect of the aspect of health scrutiny that relates to reconfigurations of local health services. This means that from this date, local health overview and scrutiny committees (HOSCs) will no longer be able to formally refer matters to the Secretary of State where they relate to these reconfigurations. Instead, the Secretary of State themselves will have a broad power to intervene in local services – HOSCs will have the right to be formally consulted on how the Secretary of State uses their powers to “call in” proposals to make reconfigurations to local health services. Other aspects of health scrutiny remain unchanged – the power to require representatives of NHS bodies to attend formal

meetings, the power to get information from NHS bodies and the power to require NHS bodies to have regard to scrutiny's recommendations. This requires a change to Part 3(B) paragraph 2.5 (a) of the Constitution, as follows:

Delete the following sentence:

"It will also be able to refer to the Secretary of State for Health and Social Care if any such proposal is not considered to be in the interests of the health service."

And replace with:

"Health Overview Scrutiny Committees can write to request that the Secretary of State consider calling in a health proposal. Requests should only be used in exceptional situations where local resolution has not been reached."

**The Committee is requested to recommend to Council this amendment to the Constitution.**

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implication arising from the recommendations detailed in this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Part 3, Section A of the constitution details those functions which are reserved to the Council Meeting. Point 2 (k) stipulates those significant changes to the Council's Constitution, include adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- 5.2 Should the Constitution & Standards Committee conclude that the Council Procedure Rules be amended, then a recommendation must be made to the Council for a final decision.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no resource implications arising from the recommendations detailed in this report.

#### **7.0 RELEVANT RISKS**

- 7.1 There are no foreseen risks arising from the recommendations detailed in this report.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 The Governance Working Group has been consulted and recommended the proposed changes, in consultation with the Director of Law and Governance.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 There are no direct equality implications arising from this report.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no direct environment and climate implications arising from this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no direct community wealth implications arising from this report.

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## **APPENDICES**

Appendix A – Officer Code of Conduct  
Appendix B – Member Officer Protocol  
Appendix C – Access to Information Procedure Rules  
Appendix D – Financial Procedure Rules  
Appendix E – Media Protocol  
Appendix F – Members Allowance Scheme  
Appendix G – Council Procedure Rules  
Appendix H – Petition Scheme

## **BACKGROUND PAPERS**

Council Constitution  
Local Government Act 1972

## **TERMS OF REFERENCE**

This report is being considered by the Constitution and Standards Committee in accordance with Section 11.2(a) of its Terms of Reference, to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the codes and protocols.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>May 2023</b> <b>May 2022</b>

