



CONSTITUTION AND STANDARDS COMMITTEE

Thursday 1st August 2024

REPORT TITLE:	AMENDMENTS TO THE CONSTITUTION & ARRANGEMENTS FOR COMMITTEE MEETINGS
REPORT OF:	DIRECTOR OF LAW AND CORPORATE SERVICES

REPORT SUMMARY

This report requests the Constitution & Standards Committee to give consideration to:

- Recommending to Council that Standing Order 10.7, in respect to public question is amended so that no public question submitted exceeds 100 words
- Arrangements for the holding of Committee Meetings in Wallasey Town Hall
- Noting the role of Facilities Management, Community Patrol and security officers in respect to the running of Council and Committee Meetings in Wallasey Town Hall
- Requesting the Member Support Steering Group to undertake a review of Member Safety

This matter affects all wards. This is not a key decision.

The report contributes to the delivery of the Wirral Plan 2023-2027 by ensuring that the Council's decision-making process is as effective as possible.

RECOMMENDATION/S

The Constitution & Standards Committee is requested to:

- 1) Recommend to Council that Standing Order 10.7 be amended as detailed in section 3.2 of the report.
- 2) Note the revised arrangements for Committee Meetings for the 2024/2025 municipal year as outlined in section 3.3 of the report.
- 3) Recommend that the Head of Democratic & Member Services, in consultation with the Member Support Steering Group, undertakes a review of the arrangements for Member safety and submit a report to a future meeting of the Committee.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Further to the temporary closure of Wallasey Town Hall, Council and Committee Meetings for the 2023/2024 Municipal year were held in Birkenhead Town Hall. The logistics associated with the running of Committee meetings presented a number of challenges both in respect to the physical arrangement of the Committee room but also the access arrangements for members of the public.

A number of high profile meetings throughout the municipal year resulted in demonstrations outside of the Town Hall and significant interest from the public in attending meetings. Further to issues experienced at the meeting of the Pensions Committee held on 19 March 2024, concerns were raised by Group Leaders with the Chief Executive about Member safety at Committee meetings. Following consultation with the Chair of the Pensions Committee, the Chief Executive requested the Head of Democratic & Member Services to give consideration to the concerns raised and in consultation with the Chair of Constitution and Standards Committee to submit a report to the first meeting of that Committee in the 2024/2025 municipal year.

Due to the events at the Annual Council Meeting on the 22nd May 2024, the Chief Executive, following a discussion with the Political Group Leaders, took the decision that with immediate effect, all Council and Committee Meetings were to be held in Wallasey Town Hall. Section 3.3 of the report details the arrangements which were put in place to implement that decision.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No alternative options have been considered in light of the request of the Chief Executive. In respect to recommendation one (amending the public question time Standing Orders) the Committee could decide not to make any changes.

3.0 BACKGROUND INFORMATION

- 3.1 The report presented for consideration is essentially split into four key parts:

- Possible constitutional amendments which would aid the smooth running of the meeting. This includes the support and advice provided to the Chair of the Committee
- The access/egress arrangements for Members and Members of the public at Wallasey Town Hall including meeting management arrangements
- The role of FM and Community Patrol
- How the Member Support Steering Group can assist when considering the broader issues of Member Safety and Member Welfare.

3.2 Constitutional Amendments

Standing Order 10.7 “Asking the Questions at the Meeting” currently allows members of the public two minutes to put the question to the meeting. When public questions are received by Committee Officers in initial form, they can often be quite lengthy and it is difficult to ascertain if they will can be asked within the time limit. In reality, a significant number of the questions are in fact lengthy statements with a short question at the end. It should be noted that Standing Order 11 already makes provision for members of the public to make statements at Committee Meetings.

When considering whether a public question should be put to Council or Committee, the Monitoring Officer (MO) will inform the Mayor or Chair who will then decide whether or not to reject the question if the Monitoring Officer considers the question:

- is not about a matter for which the local authority has a responsibility, or which affects the Borough;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

The current arrangements make it very difficult to test whether a question submitted is substantially the same as a question which has been put at a meeting of the Council in the past six months. On occasions when the MO has advised the Mayor (or Committee Chair) that a question should not be allowed, that has often resulted in disappointment for the questioner.

It should be noted that the final decision on whether to accept or reject a question lies with the Mayor or Committee Chair.

For the reasons outlined, it is therefore recommended:

1. That Standing Order 10.7 “Asking the Questions at the Meeting” be amended so that the words “*Two minutes are allowed for putting the question*” are deleted and they are replaced with “*The question to be put at the meeting shall not exceed 100 words in length.*”

2. If any public questions are rejected, the Mayor/Chair will make a statement to clarify the reason why the question has been rejected.

3.3 Committee Meeting Room

At the time of report publication, Committees are in the first full cycle of the municipal year given the calling of the General Election on the 4th July 2024. The move back to WTH for the hosting of Council and Committee meetings was supported by a comprehensive risk assessment. The risk assessment was informed by recent lessons learnt at BTH, the best advice by colleagues in the community safety unit, an independent validation process from an experienced security firm and by members’

own experiences at the Regulatory and General Purposes Committee held on 13th June 2024. The risk assessment contains a number of fundamental key principles,

- Members being encouraged to park in the allotted spaces to the South of WTH and then accessing the building on that side of the building which is the natural shortest walking route.
- Members of the public to access from the North side of the building. All members on the public attending a Council or Committee meeting will be required to sign in.
- If, in the opinion of the Head of Democratic & Member Services, a meeting is likely to generate considerable public interest or potential for disruption, the meeting will be deemed to be a *ticketed event*. That will require members of the public to register in advance of the meeting in order to ensure access to the public gallery. This is made clear on the agenda front sheet and on the Council website. A decision will then be made as to whether to hold the meeting in the Committee Room, Council Chamber or Civic Hall.
- A further decision will be made by the Head of Service in respect to the need for the support of private security.

To supplement the Risk Assessment, Member Support officers were tasked with ensuring that each Group and members were invited to attend a familiarisation exercise so that they fully understood the access and egress routes to the town hall. Similarly, Legal and Committee Officers have been fully briefed on the requirements contained within the risk assessment and in particular how to deal with disruption at a meeting.

In respect to meeting management, Members attention is further drawn to those sections of the Constitution relating to dealing with disturbance by the public at Council or Committee meetings. This matter is dealt with under Standing Orders 20 and 21. Extracts below:

“ 20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts or otherwise disturbs the conduct of proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.”

Committee Chairs and spokespersons, Legal & Committee officers and Facilities Management colleagues will be reminded of these provisions within the constitution.

3.4 Role of Facilities Management and Community Patrol

Throughout the 2023/2024 – 136 Council or Committees meetings were held in Birkenhead Town Hall with little or no disruption. This is testament to the preparatory work undertaken by Committee Services Officers, colleagues in Facilities Management and when called upon the Community Patrol Team.

In respect to Community Patrol, the Director of Neighbourhoods has confirmed that where possible colleagues in the community patrol team will support the running of committee meetings and will be present, particularly when there are large demonstrations outside of the Town Hall. Additional support will be sourced from Oculus, the company which manages the security at the Mallory and Irvine buildings, if it is deemed necessary by the Head of Democratic & Members Services.

3.5 Member Support Steering Group

It is proposed that the Steering Group is requested to give consideration to two interrelated matters and with the support of Officers prepare a report and recommendations for consideration at a future Committee Meeting. These are:

- a) the role of and how best Members of the Council can support the public engagement process at Committee meetings.
- b) Member Safety and Member Welfare. Issues to be considered to include the register of interests, dealing with social media, personal safety when attending meetings, out in the community and surgeries, plus any other matters considered relevant by the Steering Group.

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 which includes making any amendments to 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.
- 5.3 The Local Government Act 1972 s.100A deals with the right of members of the public attending meetings of local authorities. The purpose of giving the public the right to attend meetings is so that they can inform themselves of what is going on.

They are not given the right to disrupt meetings and the right is not a right to participate in anything that is going on, but merely to observe. S.100A (8) states that the right to attend public meetings is "...without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting."

The power to exclude from a public meeting attendees whose disorderly conduct or other misbehaviour disrupts or threatens to disrupt the Council's business being conducted in the meeting is a common law power which was preserved by section 100A (8) of the 1972 Act.

The power extends to excluding all members of the public either before or during a meeting should the public presence as a whole be liable to give rise to the same conduct that would justify the exclusion of an individual. The power to exclude the entirety of the public from a meeting should, however, be used sparingly and only in exceptional circumstances where the only practical way of carrying on the business of the authority is to exclude the public because their behaviour is disruptive of the meeting.

Where the police are present they can be called upon to intervene where there is a breach of the peace or a breach is imminent.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no 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 Members of the Committee have been consulted and have been supportive of the recommended proposals detailed in this report.

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

None

BACKGROUND PAPERS

Council Constitution
Risk Assessment Public Meetings 2023-24 BTH
Risk Assessment Public Meetings 2023-24 WTH
Violence & Aggression Risk Assessment BTH

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)

Council Meeting	Date
Council	May 2023
Council	May 2022