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CONSTITUTION AND STANDARDS COMMITTEE

Wednesday, 20 November 2024

Present: Councillor T Cox (Chair)
Councillors G Bennett T Laing
P Gilchrist T Murphy
J Grier G Wood

In attendance: Professor RS Jones
Mr JR McCosh

Apologies Councillor M Sullivan
Grahame Kerr
Angela Lloyd-Prince

11 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mike Sullivan, with Councillor Gillian Wood deputising.

Apologies were received from Grahame Kerr and Angela Lloyd-Prince, Independent Persons to the Committee.

12 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 are.

Professor RS Jones declared a non-pecuniary interest in agenda item 6.

13 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 01 August 2024 be agreed.

14 PUBLIC AND MEMBER QUESTIONS

One question had been received.

Mr Taylor-Brace addressed to the committee. He said that on the agenda of this meeting were proposed changes to Wirral Council's policy on how it interacts with the public and press at such meetings.

He asked what changes were needed to the proposed policy so that Wirral Council's existing policy on this would be respected going forward and the two policies would not conflict with each other.

The Chair responded to Mr Taylor-Brace and said that the question related to ensuring that members of the public could still film council meetings if they wished to, which was an existing provision within the Constitution. It also related to the management of access to meetings, and the Chair addressed the fact that meeting security had been a priority over the last few months. This had been due to disruptive behaviour of some attendees, which was why some policies had recently been changed, to tighten up these proceedings

The Chair emphasised that if a member of the public wished to attend a meeting and film the proceedings, then they should contact the officers in advance of the meeting, then officers would endeavour to provide reasonable facilities, for members of the public. It was agreed that members of the public should contact the named officer on the published meeting agenda.

15 **FLAG FLYING PROTOCOL**

The Civic Services and Electoral Services Manager presented the report on the Flag Flying Protocol. The report provided the Committee with an overview of the current flag flying protocol, which was adopted by the Standards and Constitutional Oversight Committee in June 2021.

Members were being asked to approve the revised protocol, to ensure it was fit for purpose and followed the national guidance of flag flying the Union flag.

The Standards and Constitutional Oversight Committee had, in June 2021, approved a revised protocol in relation to flying the flags at Wallasey and Birkenhead Town Halls. The aim was to standardise procedure and consult members on the content of the protocol.

Following the adoption of this protocol, the day to day management of flag flying at both Town Halls were overseen by Committee Services.

Following the death of Her Royal Highness, Queen Elizabeth II on the 8th September 2022, designated days for flying the Union Flag have been amended. Therefore the protocol needed to be revised to ensure it remained fit for purpose.

A question was raised regarding clarity around which rainbow flag may be flown for Pride. The Civic and Electoral Services Manager explained that within the protocol, the designated flag would be the rainbow flag with the six

horizontal stripes, however the Council was at liberty with permission of the Mayor and Leader of Wirral Council, to fly an alternative rainbow flag should officers see fit to do so. Anything other than the Union Flag and the Wirral flag, would be at the request of the Mayor and the Leader of the Council, through the Civic Office to ensure the correct procedure was followed.

Resolved – That the Constitution and Standards Committee approve the Flag Flying Protocol.

16 **APPOINTMENT OF INDEPENDENT PERSONS**

The Director of Law and Corporate Services presented the report on the appointment of Independent Persons. The report sought approval for the re-appointment of two Independent Persons to sit as co-opted members of the Constitution and Standards Committee for two years.

The two Independent Persons mentioned within the report had been originally appointed in 2016, and the report proposed to take their term of office to 2026. Because of the experience and insight the Independent Persons offered, it was proposed within the report that Independent Persons could provide support to new persons who would be recruited.

The Chair thanked Professor Jones and Mr Jones for their continued years of service and knowledge, and their support to the Committee was appreciated.

Members queried whether the appointment period would start from this meeting or from the meeting of Full Council, and when the recruitment period would start.

It was confirmed that the Independent Persons' appointment period would start following agreement at Full Council. If agreed, consequently the recruitment process would then take place 12 months later.

Resolved – That:

- 1. The Constitution and Standards Committee recommend to refer to Council for decision the appointment of the following Independent Persons of the Constitution and Standards Committee, for a period of two years:**

Mr C Jones

Professor RS Jones

- 2. That the Constitution and Standards Committee note that for a short period of transition that the number of independent persons may increase by 2, as set out in paragraph 3.5 of the report.**

In commending the report to Council, members of the Constitution and Standards Committee, thanked the independent members for their contributions over the years, their attendance, time and commitment.

17 **MEMBER SAFETY GUIDE**

The Principal Member Support Officer introduced the report. She explained that the Constitution and Standards Committee, at their meeting on the 1st August 2024, had directed the Head of Democratic and Member Services, in consultation with the Member Support Steering Group, to undertake a review of the arrangements of member safety and submit a report on this. The guide had since been signed off both by the Member Support Steering Group, as well as the Governance Working Group.

The report had been in response to events in the previous municipal year at Birkenhead Town Hall, as well as in response to national issues. She referenced a recent Local Government Association survey, which reported that 73% of local councillors responding to the survey had experienced harassment and intimidation as a result of carrying out their role.

The guide had been set out into four key sections: keeping safe when undertaking council business; keeping safe online; keeping safe within the community, and; protecting your own wellbeing. Members of all political groups had been involved and had been instrumental in contributing to the content of the guide, drawing on their own experiences. The Principal Member Support Officer thanked Members for their input.

The Chair of the Member Support Steering Group addressed the Committee. He told Members that he was pleased that they had been able to put the report together, including members' lived experiences and with cross-party agreement. It was an iterative document, and would be updated as and when necessary.

The Chair thanked the Principal Member Support Officer and the Chair of the Member Support Steering Group for their work on the guide. He said that it had been important, following changes made to meeting arrangements in the town halls, that Members considered all aspects of their role regarding safety.

Members echoed the Chair's thanks, agreeing it was an important piece of work and a comprehensive guide. Questions were raised over whether Members could still ring the control room when doing home visits to alert a member of staff of their whereabouts, and whether in future additional points could be considered on safety when travelling via public transport and cycling

to and from meetings. Members thanked officers for taking into account concerns around lighting outside of Wallasey Town Hall, which had now been addressed, and it was raised that should any member have concerns about travelling home after meetings, lifts could be arranged between members or they could take a taxi.

The Chair of the Member Support Steering Group told Members that should there be any further comments or suggestions, they would be happy to take these.

Resolved – That the Constitution and Standards Committee:

- 1. Approve the Member Safety Guide for circulation to all Members of the Council;**
- 2. Request the Assistant Director for Governance and Corporate Support to undertake an annual review of the Member Safety Guide, supported by the Member Support Steering Group; and**
- 3. Express their thanks to the Chair and Members of the Member Support Steering Group for the work they have undertaken in providing the Member Safety Guide**

18 **REVISIONS TO THE CONSTITUTION**

The Director of Law and Corporate Services presented the report of revisions to the Constitution. The report requested the Constitution and Standards Committee to give consideration to and recommend to Council that:

- Standing Orders 10.1 and 10.4, in respect to the number of questions asked by members of the public, be amended so that questions submitted on behalf of a local business or organisation must be presented by two separate individuals
- That the Members Allowance Scheme, in respect of Member Childcare Expenses, be amended in order for the allowance to be paid at National Living Wage rates.

Resolved - that the Constitution and Standards Committee recommend to agree that the proposed amendments to the Constitution, as detailed in sections 3.1 to 3.3 of the report, be referred to the Council for consideration and approval at the next available meeting.

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