



Special Advisory Group

18 March 2015

Time 5.00 pm **Public Meeting?** Yes **Type of meeting** Advisory group

Venue Committee Room 2 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)

Labour

Cllr Val Evans
Cllr Roger Lawrence
Cllr Elias Mattu
Cllr Peter O'Neill
Cllr Paul Sweet

Conservative

Cllr Paul Singh
Cllr Wendy Thompson

Liberal Democrat

Cllr Richard Whitehouse

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Dereck Francis
Tel/Email 01902 555835 or dereck.francis@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.moderngov.co.uk/uuCoverPage.aspx?bcr=1>
Email democratic.support@wolverhampton.gov.uk
Tel 01902 555043

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interests |
| 3 | Minutes of the previous meeting (5 November 2014) (Pages 3 - 8)
[For approval] |
| 4 | Matters arising
[To consider any matters arising from the minutes of the previous meeting] |

DECISION ITEMS

- | | |
|---|---|
| 5 | Changes to the Constitution (Pages 9 - 14)
[To recommend a number of changes to the Constitution to the Standards Committee and approval by Full Council] |
| 6 | Schedule of Councillor meetings for 2015/16 (Pages 15 - 16)
[To recommend to Annual Council for approval] |



Special Advisory Group

Minutes - 5 November 2014

Attendance

Members of the Special Advisory Group

Cllr Andrew Johnson (Chair)
Cllr Val Evans
Cllr Roger Lawrence
Cllr Peter O'Neill
Cllr Paul Singh
Cllr Paul Sweet
Cllr Wendy Thompson
Cllr Richard Whitehouse

Employees

Dereck Francis	Democratic Support Officer
Adam Hadley	Scrutiny and Transparency Manager
Christopher Hale	Head of Housing
Rachel Howe	Head of Governance - West Midlands Pension Fund
Keith Ireland	Managing Director
Kevin O'Keefe	Chief Legal Officer
Earl Piggott-Smith	Scrutiny Officer
Martyn Sargeant	Head of Democratic Services
Mark Taylor	Assistant Director, Finance

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
No apologies for absence were received.
- 2 Declarations of interests**
No declarations of interests were made.
- 3 Minutes of the previous meeting (21 October 2014)**
Resolved:
That the minutes of the meeting held on 21 October 2014 be approved as a correct record and signed by the Chair.
- 4 Matters arising**
With reference to Minute No. 5 (Polling station review), Cllr Richard Whitehouse thanked the employees for taking on board his comments regarding polling stations in the Spring Vale ward.

5 **Local Government Pension Schemes Governance Reforms 2014**

Rachel Howe, Head of Governance West Midlands Pension Fund (WMPF) outlined the salient points of the report on proposed amendments to the Council's Constitution, which were required so the West Midlands Pension Fund complied with legislation, are ancillary to those functions and those which provide good governance.

During the ensuing discussion a typographical error was corrected in paragraph 10.3 of the 'Delegations to the Pensions Committee' in so far that there should be a comma in between the word's 'land' and 'Fund'.

Referring to section 10.6.6 of the delegations, Cllr Peter O'Neill commented that the Council had traditionally appointed the Chair of the Pensions Committee at its Annual Meeting and this convention should continue. Keith Ireland, Managing Director agreed that the wording of the section should be amended to ensure Wolverhampton Council made the appointment of the Chair of the Pensions Committee.

For clarity it was agreed that section 10.6.7.1 of the delegation be reworded to 'The Pensions Committee to act as a Pension Scheme Manger for the Administering Authority in the management and administration of the Local Government Pension Scheme for the West Midlands'.

Cllr Andrew Johnson also sought clarity on the arrangements for chairing the proposed Pensions Board and whether the Chair and Vice-Chairs would rotate between the Council and the employer representatives. The Head of Governance WMPF reported that it was anticipated that the two Council elected representatives on the Board would take the Chair and Vice-Chair positions. This issue and the precise details on how the Board would operate and its terms of reference would all be firmed up in the light of final regulations and statutory guidance that were currently being worked on.

It was not anticipated that the proposals before the Advisory Group would change significantly following receipt of the final regulations and guidance. However it was proposed that any amendments to the terms of reference and consequential amendments to the Constitution be delegated to the Pensions Committee and the Solicitor to the Council to approve should this be required after Full Council's approval to the amendments at its January 2015 meeting. Any such delegation would be included in the report to Full Council.

On the suggested delegation, Cllr Johnson reported that any changes proposed to accord with the legislation should be delegated but that any other changes should be presented to the Advisory Group for consideration.

Resolved:

1. That sections 10.3, 10.6.6 and 10.6.7.2.1 of the Delegations to the Pensions Committee be amended in accordance with the feedback from the Advisory Group to clarify that Wolverhampton City Council would still appoint the Chair of the Pensions Committee and to make clear that the Pensions Committee will act as the Scheme Manager for the Administrating Authority.

2. That subject to 1 above, the Pensions Committee and the Standards Committee be recommended to support revisions to the Constitution for consideration and approval by Full Council, specifically:
 - a. Those amendments required to the Constitution under the Public Service Pensions Act 2013.
 - b. Those amendments which are ancillary to those required under the Public Service Pensions Act 2013.
 - c. Those amendments requested in order to facilitate good governance and efficient operation of the West Midlands Pension Fund.

6 **Changes to the Constitution**

As part of the iterative approach to maintaining the Constitution, the Advisory Group considered a number of changes that need to be made. Some were in relation to operational changes within the Council's structures, others reflected changes in regulations and guidance, whilst others simply reflected refinements borne out of experience.

On the proposed changes relating to planning, Cllr Wendy Thompson asked how and where information on Section 106 agreements included in planning applications would be reported in future. Kevin O'Keefe, Chief Legal Officer reported that as part of his corporate governance responsibilities he was looking to ensure that councillors are informed of Section 106 agreements in their ward areas.

Cllr Roger Lawrence suggested that the Cabinet (Resources) Panel should receive the information as well as the Planning Committee or Scrutiny Board/ appropriate scrutiny panel.

Cllr Andrew Johnson requested that the issue be brought back to the Advisory Group, clarifying the proposed position and taking on Board the comments made by Cllr Roger Lawrence.

On the proposed change relating to 'Proper Officer for senior employee appointments/dismissals, Keith Ireland, Managing Director clarified that subject to Council approval later in the day to the item 'Senior management structure', the title 'Chief Solicitor to the Council' should be substituted for 'Chief Legal Officer'

Resolved:

- 1 That the Standards Committee be recommended to support revisions to the Constitution for consideration and approval by Council, specifically:
 - a. To include the following within the portfolio of the Cabinet Member for Governance and Performance:

To work with the Returning Officer/Electoral Registration Officer to oversee the Council's Electoral Services functions, including electoral registration and co-ordination of elections.

- b. To include the appointment of the Electoral Registration Officer and Returning Officer as one of the functions reserved to the Council.
- c. To add the following delegation to the Cabinet (Resources) Panel's responsibilities to support the delegation to the Strategic Director (F70) to administer such grants:

To be responsible for bids for and to allocate resources available for funding heritage improvements and to determine codes of practice and terms and conditions for making grants.

- d. To amend the existing delegation (E49) to the Strategic Director for Delivery in respect of fleet management arrangements to read as follows:

'The operational and business management of the Council's functions relating to fleet management and leasing, vehicle compliance, vehicle maintenance and passenger transport services, including setting, recovering and rebating charges as appropriate.'

- e. To change the Proper Officer for the purposes of appointment and/or dismissal of senior employees to be the Solicitor to the Council.
 - f. To include a delegation in the Constitution to the Strategic Director for Education and Enterprise 'to agree capital expenditure and operational decisions regarding investment in the Council's housing stock, in consultation with the Asset Management Group'.
 - g. To amend references to the 'Procurement Code' to read 'Contract Procedure Rules'.
 - h. To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.
2. That the proposed changes to the Constitution relating to planning be brought back to a future meeting for further clarity on where information on Section 106 agreements included in planning applications would be reported in the future.

7 **Parent Governor Representatives - Amendments to the Constitution**

The Advisory Group considered a report on proposed changes to the Council's Constitution to equip and enable parent governor representatives to successfully carry out their responsibilities in representing the parent voice and to hold the authority to account for education policy and decision making.

Resolved:

That the Standards Committee be recommended to support revisions to the Constitution for approval by Council, specifically:

1. To include details of the role and responsibilities of local authority parent governor representatives appointed to the Children and Young People Scrutiny Panel.

2. That a maximum of two parent governor representatives be appointed or re-appointed to the Children and Young People Scrutiny Panel at Annual Council.
3. To require co-opted members, church representatives and parent governor representatives to sign and abide by the Councillors Code of Conduct as a condition of being a member of the Children and Young People Scrutiny Panel.
4. The eligibility conditions (contained in appendix B to this report) for parent governor representative at maintained schools to stand for election, as a local authority parent governor representative.
5. To give authority to the Monitoring Officer to appoint a returning officer to make all the necessary arrangements and to determine all matters relating to the holding of an election of a parent governor representative, where there is a vacancy.
6. To give discretion to the returning officer not to arrange a ballot for a vacancy where the places to be filled is equal to or exceeds the number of parent governor representative candidates for election.
7. To appoint parent governor representative for a maximum period of two years following an election and confirmation at annual Council.
8. To state that parent governor representatives can, at the discretion of the Chair of the Children and Young People Scrutiny Panel, be disqualified if they do not attend panel meetings for a period of six months.

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Special Advisory Group

18 March 2015

Standards Committee

tbc

Report title	Changes to the Constitution	
Cabinet member with lead responsibility	n/a	
Key decision	No	
In forward plan	No	
Wards affected	n/a	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Corporate Administration	
Accountable employee(s)	Martyn Sargeant	Group Manager – Corporate Administration
	Tel	01902 555045
	Email	martyn.sargeant@wolverhampton.gov.uk
Report to be/has been considered by	Constitution Review Group	12 March 2015
	Standards Committee	tbc
	Council	1 April 2015

Recommendation(s) for action or decision:

The Special Advisory Group is recommended to support revisions to the Constitution for consideration by the Standards Committee and agreement by Council, specifically:

- (1) To make amendments to job titles and responsibilities to reflect the Council's recent senior management restructuring, particularly:
 - (a) To remove references to the role of Chief Executive, replacing it with 'Head of Paid Service'.
 - (b) To remove references to the role of Strategic Director - Education and Enterprise, replacing it with 'Strategic Director for Place'.
 - (c) To remove references to the role of Strategic Director - Community, replacing it with 'Strategic Director for People'.
 - (d) To remove references to the role of Assistant Director (Finance), replacing it with 'Director of Finance'.

- (e) To remove references to the role of Chief Legal Officer, replacing it with 'Director of Governance'.
 - (f) To amend the section on management structure to reflect revised arrangements.
- (2) To amend the budget and policy framework documents listed in the glossary.
 - (3) To remove the requirement for Standards Committee to consider proposed changes to the Constitution.
 - (4) To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.
 - (5) To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.
 - (6) To include within the portfolio of the Cabinet Member for Governance and Performance, responsibility for oversight of the Electoral Services functions, working with the Returning Officer/Electoral Registration Officer.
 - (7) To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.
 - (8) To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.
 - (9) To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.
 - (10) To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.
 - (11) To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.
 - (12) To include a summary of the indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.
 - (13) To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.

1.0 Purpose

1.1 This report seeks support for a number of changes to the Constitution, to be considered by the Standards Committee and approved by the Council.

2.0 Background

2.1 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance, whilst others simply reflect refinements borne out of experience.

3.0 Changes to the Constitution

3.1 The table below briefly summarises the proposed changes and the reasons for them:

Rec.	Proposed change	Rationale
1	Amendments to job titles and details of the Council's senior management structure.	To reflect recent changes to the Council's senior management structure.
2	To amend the budget and policy framework documents listed in the glossary.	To reflect the most up-to-date list of the Council's policy and strategy documents.
3	To remove the requirement for Standards Committee to consider proposed changes to the Constitution.	Changes to the Constitution are currently considered by the Constitution Review Group (employee forum) and then by Councillors at Special Advisory Group, Standards Committee and Council. Removing the requirement of consideration by Standards Committee will help streamline the process.
4	To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.	With ease of access to the internet, provision of paper copies is felt to be an unnecessary expense given the lack of demand.
5	To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.	This was agreed by Council in 2012/13 and should have been included in a previous iteration of the Constitution.
6	To include within the portfolio of the Cabinet Member for Governance and Performance,	This identifies a lead Cabinet Member for this service area.

	responsibility for oversight of the Electoral Services functions, working with the Returning Officer/Electoral Registration Officer.	
7	To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.	This removes a contradiction with the Financial Procedure Rules, which provide for the authorisation of bids by the Section 151 Officer.
8	To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.	It is now considered good practice to appoint a Deputy Electoral Registration Officer, to support the Electoral Registration Officer and oversee the day-to-day management of the Register of Electors.
9	To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.	There is no specific provision for this within the Constitution, despite it being a regular occurrence. Given the potentially sensitive nature of such situations, a specific delegation is thought to be warranted.
10	To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.	This clarifies the particular responsibilities of the Strategic Director in respect of planning enforcement activity.
11	To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.	Under s111 'a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions'. Such provision is not currently articulated in the Constitution and would be useful, for example, where the Council is landowner and where planning permission is required subject to a section 106 planning agreement but the Council cannot enter into the s106 because it would be entering into an agreement with itself so uses a s111 instead to require the developer to comply with the planning obligations.
12	To include a summary of the indemnity provided to employees	Although there are longstanding policies covering these issues, they are not included

	in the event of a claim being made against them arising from their work on behalf of the Council.	within the Constitution so it is proposed to include an appropriate summary within the relevant section.
13	To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.	Senior management structures are approved by the Cabinet/Council with director level appointments made by Councillors, so this proposal enables the Monitoring Officer to reflect such decisions in the Constitution.

4.0 Financial implications

4.1 There are recommendations that refer to financial procedures, but no additional costs or savings arise from the proposed changes.

[GE/10032015/C]

5.0 Legal implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated.

[RB/10032015/W]

6.0 Equalities implications

6.1 There are no equalities implications arising from this report, as the changes to be made are not a result of any new policy or operational practice.

7.0 Environmental implications

7.1 There are no environmental implications arising from this report.

8.0 Corporate landlord implications

8.1 There are no corporate landlord implications arising from this report.

9.0 Human resources implications

9.1 There are no human resources implications arising from this report.

10.0 Schedule of background papers

None.

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SCHEDULE OF COUNCILLOR MEETINGS: 2015/16

		Usual day and time	May 2015	Jun 2015	July 2015	Aug 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016
		Bank Holidays	4 & 25			31				25 & 28	1		25 & 28	
Council and Executive	Council	Wed (5.45pm)	20 ^a		15		23		4	16	27		2 ^b	6 ^c
	Cabinet	Wed (5pm)		3 & 24	22		16	21	11	9	13	3 & 24	23	20
	Cabinet (Resources) Panel	Tues (5pm)		2 & 30	28		15	20	17	15	19	9	8	5 & 26
	Cabinet (Perf Mngmt) Panel	Mon (5pm)		15			14		23			22		
	Executive Team	Mon (5pm)		1 & 22	27		21	19	16	21	11	1 & 29	21	
	Leaders' Business Mngmt Group	Wed (3pm)			15		9		4	16	27			6
Scrutiny	Scrutiny planning session	Wed (6pm)		3										
	Health scrutiny planning session	Thur (4pm)		11										
	Scrutiny Board	Tues (6pm)		30			8		3	15 ^d	12		1	26
	Adults and community	Tues (6pm)			14		22		24 ^d		26		22	
	Children and young people	Wed (6pm)			8		23		25 ^d		20			13
	Confident and capable council	Wed (6pm)			22			7		2 ^d		3		20
	Enterprise and business	Tues (6pm)			28			6		1 ^d		9		19
	Health	Thur (2pm)			16		24		26 ^d		14	25		7
	Vibrant, safe and sustainable communities	Thur (6pm)			23			1		3 ^d		11		14
Regulatory and oversight	Audit committee	Mon (2pm)			6		21			14			14	
	Audit (investigations) sub-comm.	Mon (3pm)			13				2			8		18
	Licensing committee	Wed (10am)		3	22		9		11		20		16	27
	Planning committee	Tues (2pm)		2	21		29			1		2		19
	Planning (site visits)	Tues (10am)		2	21		29			1		2		19
	Standards committee	Thur (1.30pm)		25			3			3			24	
	Health and Wellbeing Board	Wed (varies)		3 (12.30pm)	29 (2pm)			7 (12.30pm)		2 (2pm)		10 (12.30pm)		27 (2pm)

^a Annual Council, 6pm

^b Budget setting

^c Annual Council: 18 May 2016, 6pm

^d Scrutiny of the budget

SCHEDULE OF COUNCILLOR MEETINGS: 2015/16 (continued)

		Usual day and time	May 2015	Jun 2015	July 2015	Aug 2015	Sept 2015	Oct 2015	Nov 2015	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016
		Bank Holidays	4 & 25			31				25 & 28	1		25 & 28	
Finance and HR	Investment advisory sub-committee	Wed (10am)		24 ^e			23			9			16	
	Pensions committee	Wed (1.30pm)		17 ^f & 24 ^e			23			9			16	
	Pensions board	Varies (2pm)			2						19			
Meetings set as required.														
Advisory groups	Bilston advisory group													
	City centre regeneration advisory group	Fri (9am)			10			9			22			15
	Community cohesion forum	Wed (6pm)		17				14				10		
	Corporate parenting board	Wed (5.30pm)			1		30		11		6		30	
	Equalities advisory group	Tues (10am)		23			22			8			15	
	Cllr development and IT advisory group	Fri (9am)			3			2			29			22
	Petitions committee	Fri (10am)		26			11		6		8	26		8
	Special advisory group	Thurs (9am)			23			8	18		7		10	21
Sustainability advisory group	Weds (5.30pm)			22				11					23	

^e June meetings only: timings reversed (Pensions Committee at 10am, sub-committee at 1.30pm).

^f Begins at 10am.