

# Special Advisory Group

## 10 March 2016

**Time** 9.00 am **Public Meeting?** Yes **Type of meeting** Advisory group  
**Venue** Committee Room 4 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

### Membership

**Chair** Cllr Andrew Johnson (Lab)

#### Labour

Cllr Roger Lawrence  
Cllr Rita Potter  
Cllr John Reynolds  
Cllr Stephen Simkins  
Cllr Tersaim Singh  
Cllr Paul Sweet

#### Conservative

Cllr Paul Singh  
Cllr Wendy Thompson

#### Liberal Democrat

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, 1<sup>st</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.moderngov.co.uk/>  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

Please take note of the protocol for filming, recording, and use of social media in meetings, copies of which are displayed in the meeting room.

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               | <b>Apologies for absence</b>   |
| 2               | <b>Declarations of interests</b>   |
| 3               | <b>Minutes of the previous meeting (7 December 2015)</b> (Pages 3 - 6)<br>[For approval]             |
| 4               | <b>Matters arising</b><br>[To consider any matters arising from the minutes of the previous meeting] |

### DECISION ITEMS

- |   |   |
|---|---|
| 5 | <b>Review of the Constitution</b> (Pages 7 - 10)<br>[To consider the draft terms of reference for the review of the Constitution] |
| 6 | <b>Schedule of Councillor meetings 2016/17</b> (Pages 11 - 12)<br>[To recommend to Annual Council for approval]                   |

## Attendance

### Members of the Special Advisory Group

Cllr Andrew Johnson (Chair)  
Cllr Roger Lawrence  
Cllr Rita Potter  
Cllr John Reynolds  
Cllr Stephen Simkins  
Cllr Paul Singh  
Cllr Tersaim Singh  
Cllr Paul Sweet  
Cllr Wendy Thompson

### Employees

Peter Farrow	Head of Audit
Dereck Francis	Democratic Support Officer
Keith Ireland	Managing Director
Andy Moran	Head of Procurement

## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1        **Apologies for absence**  
No apologies for absence were received for the meeting.
- 2        **Declarations of interests**  
No declarations of interests were made.
- 3        **Minutes of the previous meeting (20 October 2015)**  
Resolved:  
          That the minutes of the meeting held on 20 October 2015 be approved as a correct record and signed by the Chair.
- 4        **Matters arising**  
There were no matters arising from the minutes of the previous meeting.
- 5        **Contract Procedure Rules Update**  
Andy Morgan, Procurement Manager outlined proposed changes to the Council's Contract Procedure Rules. The Procedure Rules document had been updated as a result of the implementation of new European Public Procurement Directives and associated UK Public Contracts Regulations to ensure the Council's procurement activity complied with the relevant legislation.

During the ensuing discussion, Cllr Wendy Thompson sought clarification on whether there would be guidelines for the 'social value' element in contracts with a value above £100,000. The Head Procurement reported that 'employability' and 'Care Leavers/Looked After Children' had been agreed as the criteria. In noting the criteria, Cllr Wendy Thompson commented that obtaining value for money on a contract should always be a consideration.

Cllr Andrew Johnson asked for a further change to the section in the Procurement Rules relating to 'Concessions and Revenue Earnings Contracts' to include 'any contract with a strategic or important risk for the Council' should require approval from Cabinet (Resources) Panel'. He also suggested that the Official Journal European Union (OJEU) limit should apply and that the word 'potential' should be deleted. He also commented that exemptions from compliance with the Contract Procedure Rules should be reported to Cabinet (Resources) Panel, setting out any action taken on exemptions in the previous quarter.

Cllr Stephen Simkins asked about of the evaluation process for contracts up to £10,000, as he believed that the lowest price would not always be the best. The Head of Procurement advised that technical criteria would be applied. Contract management would be the means by which the Council would hold a successful contractor to account against the contract. Contract management was the next area of work for the Procurement Team.

Cllr John Reynolds commented that the Federation of Businesses were keen on the proposed development of an online quotation system for low value contracts (less than £50,000). He suggested that a high profile event be arranged to launch the proposal as well as highlight the dedicated website 'buywolverhampton.gov.uk'. The Head of Procurement reported that the system was currently being tested and a full launch would be arranged in 2016. Opportunities would be opened up for Small Medium Enterprise local businesses to be awarded council contracts.

Referring to paragraph 1.4 of the Procedure Rules, Cllr Tersaim Singh suggested that the second sentence appeared to contradict the first point that all contracts must be in writing.

Cllr Stephen Simkins asked about the protection for the Council that had been built into the Procedure Rules for social care contracts. The Procurement Manager advised that the same Procurement Rules would apply and that it would come down to the contract management.

Cllr John Reynolds suggested that changes in the exchange rate be built into the Procedure Rules to avoid the need to seek approval to revised limits. The Procurement Manager reported that the limits would change in January 2016 and would then be fixed for a two year period.

At the end of the discussion it was agreed that drafting amendments be made to the Contract Procedure Rules and the amended document be submitted to Full Council for approval.

Resolved:

That Full Council be recommended to approve the Contract Procedure Rules, as now amended for inclusion in the Council's Constitution.

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**Audit and Risk Committee**

In line with best practice and to help emphasise the importance placed on the role of risk management in its work, the Committee considered renaming the Audit Committee to the Audit and Risk Committee.

Resolved:

That Full Council be recommended to approve the renaming of the Audit Committee to Audit and Risk Committee.

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# Special Advisory Group

## 10 March 2016

<b>Report title</b>	Review of the Constitution	
<b>Cabinet member with lead responsibility</b>	Councillor Paul Sweet Governance	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe	
<b>Originating service</b>	Corporate Administration	
<b>Accountable employee(s)</b>	Martyn Sargeant	Group Manager – Corporate Administration
	Tel	01902 555045
	Email	Martyn.sargeant@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>		

### Recommendations for action:

The Advisory Group is asked to:

1. Consider the draft terms of reference for the review of the Constitution.

## **1.0 Purpose**

- 1.1 The purpose of this report is to provide an outline of the process of the proposed revision of the Constitution.

## **2.0 Background**

- 2.1 The current Constitution is modelled on the guidance that was given to councils following the introduction of the Local Government Act 2000. It subsequently has been through several iterations and has been amended and updated to reflect the developing needs of the Council.
- 2.2 The Constitution now needs to be refreshed so that it is a logical and ordered document that supports the governance of the Council and incorporates best practice.
- 2.3 We have approached the Association of Democratic Services Officers (ADSO) which is the recognised professional body for the democratic services sector. They can provide tailored expertise and deliver a bespoke piece of work to support and shape the review of the Constitution.
- 2.4 Following a meeting with a consultant from ADSO they are now in the process of developing terms of reference so that a project timetable can be agreed. This will be implemented shortly and it is envisaged that the work will be completed in readiness for Council in July. The principal focus will to be ensure a holistic approach to the review of the constitution is adopted thus ensuring that each of the sections work together to make it more logical and linear.

## **3.0 Financial implications**

- 3.1 Any associated costs will be contained within the existing Governance budget.  
[MK/02032016/X]

## **4.0 Legal implications**

- 4.1 The Council is required by the Local Government Act 2000 to have a Constitution and it is essential for the effective and consistent governance of the Council.  
[02032016/Z]

## **5.0 Equalities implications**

- 5.1 There are no equalities implications arising from this report.

## **6.0 Environmental implications**

- 6.1 There are no environmental implications arising from this report.



**7.0 Human resources implications**

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

**8.0 Corporate landlord implications**

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

**9.0 Schedule of background papers**

9.1 There are no background papers.

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# SCHEDULE OF COUNCILLOR MEETINGS: 2016/17

			No. of scheduled meetings	Usual day and time	May 2016	Jun 2016	July 2016	Aug 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Apr 2017
<b>Bank Holidays</b>					2 & 30			29				26 & 27	2			14 & 17
<b>Council and Executive</b>	<b>Council</b>		8	Weds (5.45pm)	18a		20		21		9	14		1	1b	5c
	<b>Cabinet</b>		11	Weds (5pm)		8 & 29	20d		14	5	2 & 30		18	22e	22	26
	<b>Cabinet (Resources) Panel</b>		12	Tues (5pm)		7 & 28	19		13	4	1	6	10	7 & 28	28	25
	<b>Cabinet (Perf Mngmt) Panel</b>		4	Mon (5pm)		13			19		28			27		
	<b>Executive Team (if required)</b>		11	Mon (5pm)		6 & 27	18		12		14	5	30	13	20	3 & 24
<b>Page 11</b>	<b>Scrutiny Board</b>		8	Tues (6pm)		14	12		13		1	13f	17		14	25
	<b>Adults and safer city</b>		5	Mon (6pm)			11			10		5f	30		27	
	<b>Children, young people and families</b>		5	Weds (6pm)			6			5		7f		8	29	
	<b>Confident, capable council</b>		5	Weds (6pm)		29			14		16f		11		15	
	<b>Health</b>		6	Thurs (2pm)		23			15		24f		12		2	27
	<b>Stronger city economy</b>		5	Tues (6pm)			5		20		22f		24		21	
	<b>Vibrant and sustainable city</b>		5	Thurs (6pm)		30			29			1f		2	23	
<b>Pensions</b>	<b>Pensions committee</b>		5	Weds (1.30pm)		15 & 22			14			7			22	
	<b>Pensions board</b>		2	Tues (2pm)			5						24			
	<b>Investment advisory sub-committee</b>		4	Weds (10am)		22			14			7			22	

<sup>a</sup> Annual Council, 6pm

<sup>b</sup> Budget setting

<sup>c</sup> Annual Council 2017: 17 May, 6pm

<sup>d</sup> 3.30pm

<sup>e</sup> During half term

<sup>f</sup> Scrutiny of the budget

## SCHEDULE OF COUNCILLOR MEETINGS: 2016/17 (continued)

			No. of scheduled meetings	Usual day and time	May 2016	Jun 2016	July 2016	Aug 2016	Sept 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Apr 2017	
<b>Bank Holidays</b>					2 & 30			29				26 & 27	2			14 & 17	
<b>Regulatory and oversight</b>	<b>Audit committee</b>	4	Mon (2pm)			4		19				12			13		
	<b>Health and Wellbeing Board</b>	6	Weds (12.30pm)		8	13				19	30			15	29		
	<b>Safeguarding Children's Board</b>	4	Weds (2pm)			6				12			18		29		
	<b>Safeguarding Adults Board</b>	4	Thurs (11am)			14				20				9		27	
	<b>Children's Trust Board</b>	4	Weds 9:30am		22				21		30				1		
	<b>Planning committee</b>	6	Tues (2pm)		28				6		8			10	7	25	
	<b>Planning (site visits)</b>	6	Tues (10am)		28				6		8			10	7	25	
	<b>Licensing committee</b>	7	Weds (10am)		8	13			7			2	14		8		26
	<b>Licensing Sub-committee (if required)</b>	9	Weds (10am)		15	20			21	19	23			18	15	15	12
	<b>Standards committee</b>	-	Thurs (1.30pm)	<i>To be arranged as required</i>													
<b>Other</b>	<b>Petitions committee</b>	6	Fri (10am)		24				16		18		20		3	7	
	<b>Corporate parenting board</b>	4	Thurs (5.30pm)	26		21			22		24		26		16		
	<b>Community cohesion forum</b>	3	Weds (6pm)			13					23				8		
	<b>Equalities advisory group</b>	4	Tue (10am)		21				20			6			14		
	<b>Cllr development and IT advisory group</b>	4	Fri (9am)			22				7				27		31	
	<b>Special advisory group (if required)</b>	7	Fri (9am)			1			9	21	25			13		17	28
	<b>Sustainability advisory group (if required)</b>	3	Weds (5.30pm)		8							2				22	