



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.