

CITY OF
WOLVERHAMPTON
COUNCIL

Governance Committee

Friday 12 February 2021

Dear Councillor,

GOVERNANCE COMMITTEE - FRIDAY 12 FEBRUARY 2021

I am now able to enclose, for consideration at next Friday 12 February 2021 meeting of the Governance Committee, the following report that were unavailable when the agenda was published.

Agenda No	Item
-----------	------

6	<u>Update from the Monitoring Officer on Governance Matters</u> (Pages 3 - 20)
---	---

[To receive an update on governance matters from the Monitoring Officer].

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Kirsty Tuffin

Tel 01902552873

Email kirsty.tuffin@wolverhampton.gov.uk

Address Democratic Services, Civic Centre, First floor, St Peter's Square,
Wolverhampton WV1 1SH

Encs

This page is intentionally left blank

CITY OF WOLVERHAMPTON COUNCIL	Governance Committee 12 February 2021
--	--

Report title	Update from the Monitoring Officer on Governance Matters	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance	
Accountable director	David Pattison, Director of Governance	
Originating service	Governance	
Accountable employee	David Pattison	Director of Governance
	Tel	01902 553 840
	Email	David.Pattison@wolverhampton.gov.uk
Report has been considered by	Not applicable.	

Recommendation for action:

The Governance Committee is recommended to:

1. Note and provide any feedback on the report.

1.0 Purpose

- 1.1 To provide an update on the work programme and other matters within the scope of the Governance Committee's remit. The work programme was approved by the Committee at its meeting in January 2021.

2.0 Background

- 2.1 The Council's Constitution sets out the remit of the Governance Committee below:

1. Terms of Reference – Governance Committee

- 1.1 *The Governance Committee shall be an advisory body, comprising Councillors, dealing with governance and constitutional arrangements.*
- 1.2 *The Governance Committee shall, where appropriate, consider and advise the Council on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.*
- 1.3 *The Governance Committee shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.*
- 1.4 *The Governance Committee will be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.*
- 1.5 *The Governance Committee shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.*

2.0 Additional Role and Functions

- 2.1 *The Governance Committee will have the following additional terms of reference: -*
- a. to liaise between the Council and the Ombudsman;*
 - b. to advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;*
 - c. to advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.*

2.2 The Committee agreed the following work programme for the remainder of the 2020-2021 Municipal Year:

Governance Committee Forward Plan for the 2020-2021 Municipal Year			
Date of Meeting	Title of Report	Lead Officer	Publication Deadline
22 January 2021	Local Election Fees and Charges 2021/2022	Laura Noonan/David Pattison	14 January 2021
12 February 2021	Report on 2020 Annual Canvass	Laura Noonan/David Pattison	4 February 2021
	Update from the Monitoring Officer on Governance Matters	David Pattison	
12 March 2021	Update on 2021 Elections	Laura Noonan/David Pattison	4 March 2021
	Council Submission to Local Government Boundary Review	Stephanie Taylor/Laura Noonan/David Pattison	
	Petition Scheme	Jaswinder Kaur	
	Calendar of Meetings	Jaswinder Kaur	
	Constitution Review	Jaswinder Kaur/David Pattison	
	Update from the Monitoring Officer on Governance Matters	David Pattison	

2.3 This report provides an update on issues coming to the Committee and any developing issues within the scope of the Committee and if they take place after the publication of the report a verbal update will be given. As always, if Members of the Committee wish for other items to be added they should speak to the Chair of the Committee.

3.0 Update on position

3.1 Work Programme – an update on the work programme is below:

- 22 January 2021 – the Local Election Fees report was supported.
- 12 February 2021 - the annual canvass report is on the agenda.
- 12 March 2021 – a number of reports are due to come to the meeting on 12 March 2021, details of these are below.

3.2 **Elections update** - a detailed report will come to the 12 March 2021 – at present a significant amount of work is taking place to ensure that the elections on 6 May 2021 will take place safely and efficiently. As the Committee is aware the election is a triple election consisting of City Council elections (for 1/3 of the seats and by-elections), election of the Police and Crime Commissioner and the West Midlands Combined Authority Mayoral election. The work to date includes:

- An urgent review of the Polling Stations to ensure that all polling stations are Covid secure.
- Agreeing the Local Election Fees Report.
- Ensuring a Covid secure approach to the Verification and Count.
- Ensuring that we will be providing regular communications with candidates and agents and with electors to provide confidence in the election – the first briefing for Candidates and Agents will be a virtual briefing on 2 March 2021.

- 3.3 **Local Government Boundary Commission for England Review** – as the Committee is aware the Commission is currently undertaking a review of the electoral arrangements for the Council. This has been the subject of a number of reports to the Committee the most recent being the report dated to the 20 November 2020 Committee.

The Commission's consultation is currently live and due to conclude at the end of March 2021. In terms of the Council's proposed response to the Commission's consultation we are following the approach agreed by the Committee in November and will be bringing a report to the next meeting of the Committee in March.

- 3.4 **Constitution revisions** – as the Committee is aware a review of the Constitution is underway. A detailed report will be brought to the Committee shortly. The aim of the review is to reflect developments including the Local Government Association's adoption of a Model Code of Conduct, improve the understanding of the constitution and to make it easier to navigate for Councillors, Officers and the Public and address issues/points raised by Councillors.

Previously the Committee has, at its meetings on 28 February 2020 and 19 March 2020 considered proposals to introduce some changes through the Constitution to modernise the political structure of the Council, in particular scrutiny arrangements. These changes were taken to the Committee on 19 March 2020 and were then paused following the Covid pandemic.

This report attaches a presentation to the Committee proposing that the changes are paused until May 2022, with the introduction of a pilot in late 2021/early 2022 and, confirms that there will be cross-party representation to the proposed Cabinet Advisory Groups and recording of the meetings for access by the public. A detailed report on the approach will be brought forward shortly.

- 3.5 **Petition Scheme/Calendar of Meetings** – as part of the preparation for the new Municipal year from May 2021 a proposed Calendar of meetings and revisions to the petition scheme will be brought to the next meeting.

4.0 **Financial implications**

- 4.1 There are no financial implications associated with the recommendation in this report as Governance Committee is simply asked to note the update and provide any feedback.
[GE/05022021/G]

5.0 Legal implications

- 5.1 This is simply an update report and no substantive decisions are made through it so there are no legal implications as such. [DP/04022021/A].

6.0 All Other Implications

- 6.1 There are no other implications arising from the recommendation in this report.

7.0 Schedule of background papers

- 7.1 Forward Plan for the 2020-2021 Municipal Year - 22 January 2021 - Governance Committee.
- 7.2 Local Election Fees and Charges 2021-2022 - 22 January 2021 - Governance Committee.
- 7.3 Electoral Review: Update on Phase Two - 20 November 2020 - Governance Committee.
- 7.4 Changes to the Constitution as a result of Covid-19 and other urgent changes - 11 September 2020 - Governance Committee.
- 7.5 Modernising the Political Structure - 19 March 2020 - Governance Committee.
- 7.6 Modernising the Political Structure - 28 February 2020 - Governance Committee.
- 7.7 Electoral Review: Council Size Submission and Electoral Projections - 19 February 2020 - Governance Committee.

8.0 Appendices

- 8.1 Appendix 1 – Modernising the Political Structure Update.

This page is intentionally left blank

Modernising Political Structures Update

12 February 2021

Today

1. Why were we looking to change the structures?
2. Summary of proposals including what is left to do
3. What has changed since March last year?
4. Challenges
5. Proposed next Steps

Why were we looking to change the structures?

Why were we looking to change the structures?

- *Improving the way scrutiny works – adding value and focusing on things that matter.*
- *Improving the engagement and involvement of backbenchers/non-Cabinet Members.*
- *Greater involvement in policy development at an earlier stage – to improve policies/buy-in.*
- *Improved transparency on how the policies/decisions are taken.*

Modernising Political Structures – Summary of the proposals

The proposed changes to the Council's Political Structures produced in early 2020 included:

- *The reduction of the number of Cabinet Panels from 3 to 1.*
- *Introduction of 6 Cabinet Advisory Groups (CAG) with one overarching CAG on resources made up of each CAG chairs.*
- *Realignment of Scrutiny structures – one formal Scrutiny Board and two panels (Performance and Health Scrutiny).*
- *Introduction of 3 Select Committee Reviews.*
- *Revised Cabinet Portfolios – with same number of Cabinet Members*
- *No reduction or increase in level of allowances – allowance for Chair of CAG same as for Scrutiny Panels.*

Where are we at and what was left to do? (1)

- Cabinet portfolios were revised and priorities re-aligned.
- The CAGs were linked to suggested portfolios and draft Terms of Reference were developed.
- Terms of Reference were drafted for the Scrutiny Board/Panels – Call in remains with Scrutiny Board.
- Terms of Reference were drafted for Select Committee Reviews and the Lead Reviewer Role.
- Allowances report and a benchmarking exercise was undertaken for the Independent Remuneration Panel and the Panel met and approved the approach on the scheme of allowances.
- A Report went to Governance Committee on 19 March 2020, recommending adoption of model/new allowances but not to Council as the meeting was cancelled due to Covid.

Where are we at and what is left to do? (2)

- Clear work programme for each CAG.
- Clear work programme for Select Committees.
- Clear work programme for Scrutiny.
- Formal changes to the Constitution to be approved.
- Allowances scheme, incorporating this, to be approved by Council.
- Updating approach in the light of developments since March 2020.

What has changed since March 2020?

- Covid.....
- Relighting the City Plan – new focus.
- Remote meetings including Scrutiny – slight changes – Cabinet (Performance) Panel has gone and now Cabinet and Cabinet (Resources) Panel are on the same day once a month.

Challenges(1)

- **Timing....**
 - To introduce it for May 2021, we would need to go to Council on 31 March 2021 – that would mean Governance Committee on 12 March 2021(to approve the changes to the constitution to reflect the approach) and significant discussions in February.
 - Need to ensure it works well on day 1 – therefore need clear work programmes for CAGs and Select Committees/Scrutiny – do we need to change the focus of the Portfolios/CAGs etc in the light of priorities adopted in recent months – is there sufficient time in all teams to do this?
 - Other competing priorities – including Covid response and vaccination.
- **Remote meetings**
 - Ensuring that the new approach is a success in a remote meeting system is challenging.

Challenges(2)

- **Potential amendments to the model**
 - *Our proposed model based on Kent approach* – we have spoken to their Monitoring Officer about their approach, Kent have had their version of CAGs with cross party representation – **my recommendation is that we build cross party representation into the CAG model.**
 - *Public attendance for some of the meetings* – transparency – Kent have had public attendance possible for the meetings – **my recommendation is that in order to ensure a transparent approach the meetings are video recorded and made available (where confidential matters not discussed).**

Options

Do we proceed with the changes?

Monitoring Officer recommendation – we should but with some slight tweaks the key challenge is timing.

If we do, when?

- 1) Proceed ahead with implementation for May 2021.
- 2) **Recommended approach** - Look to implement a pilot of the new approach in late 2021/early 2022 with full implementation in May 2022.
- 3) Look to implement in May 2022.

Next steps if the approach is agreed

- Bring forward amendments to the Constitution to allow for a pilot in autumn 2021 – these amendments would come to Governance Committee and then to Council.
- Bring forward detail proposals in late 2021/ early 2022 to allow for changes to the constitution to introduce the new model as from May 2022 – these amendments would come to Governance Committee and then to Council.

wolverhampton.gov.uk