

CITY OF
WOLVERHAMPTON
COUNCIL

Governance and Ethics Committee

Friday, 22 October 2021

Dear Councillor,

GOVERNANCE AND ETHICS COMMITTEE - FRIDAY, 22ND OCTOBER, 2021

I am now able to enclose, for consideration at next Friday, 22nd October, 2021 meeting of the Governance and Ethics Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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5	<u>Update from Monitoring Officer (Pages 3 - 10)</u>
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[To receive an update on governance matters from the Monitoring Officer]

7	<u>Changes to the Constitution (Pages 11 - 14)</u>
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[To approve the amendments to the Constitution]

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

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CITY OF WOLVERHAMPTON COUNCIL	Governance & Ethics Committee 22 October 2021
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Report title	Update from the Monitoring Officer on Governance Matters	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Accountable director	David Pattison: Monitoring Officer	
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 and Ethics Committee is recommended to:

1. Note the report 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 July 2021.

2.0 Background

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

The Governance and Ethics Committee will have responsibility for the following functions which are reserved to it:

The Governance and Ethics Committee will have the following Terms of Reference:

- a. Shall be an advisory body, comprising Councillors, dealing with governance, ethics and constitutional arrangements.*
- b. 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.*
- c. 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.*
- d. Be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.*
- e. Shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.*
- f. Shall liaise between the Council and the Ombudsman;*
- g. Shall advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;*
- h. Shall 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.*
- i. Promoting and maintaining high standards of conduct by Elected Members and coopted Members;*

j. Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;

k. Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;

l. Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;

m. Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;

n. At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;

o. Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;

p. Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

Governance and Ethics (Hearings) Sub-Committee

The Sub-Committee shall conduct hearings into allegations that a Councillor has breached the Code of Conduct for Councillors of the relevant authority in accordance with the arrangements for such hearings approved by the Council.

2.2 The agreed work programme for the year for the Committee is as follows:

Governance Committee Forward Plan for the 2020-2021 Municipal Year			
Date of Meeting	Title of Report	Lead Officer	Status/Publication date
3 September 2021	Proposed reaction to the LGBCE consultation	Laura Noonan/David Pattison	Completed
	Regular Monitoring Officer Update	David Pattison	Completed
	Electoral Cycle report	David Pattison	Completed
	Further revisions to the Constitution	David Pattison	Deferred to October meeting

	Petitions	Jas Kaur	Deferred to October meeting
	Alderman	Jas Kaur	On the agenda
22 October 2021	Regular Monitoring Officer update	David Pattison	14 October 2021
	Proposed review of Current Councillor Allowance scheme – expires in May 2022	David Pattison	On the agenda
	Local Government and Social Care Ombudsman Annual Report	David Pattison	Deferred to November meeting
	Councillor enquiries	Laura Gittos	Additional item
	Constitution (including adoption of definition of Islamophobia)	David Pattison	On the agenda
19 November 2021	Regular Monitoring Officer update	David Pattison	11 November 2021
	Annual report on Code of Conduct matters (new item)	David Pattison	
	Constitution – further report	David Pattison	
	Report on implementation of the LGBCE review	David Pattison	Move to February meeting as LGBCE now delaying recommendation date
	Report of the Association of Electoral Administrators (new item)	David Pattison	
	Review of the Corporate Code of Governance	David Pattison	

14 January 2022	Regular Monitoring Officer update Election preparation update	David Pattison David Pattison	6 January 2022
18 February 2022	Regular Monitoring Officer update Constitution review	David Pattison David Pattison	10 February 2022
25 March 2022	Regular Monitoring Officer update Election update	David Pattison David Pattison	17 March 2022

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 **Elections update** - a detailed update report on the May 2021 elections went to the July meeting of the Committee. Following the May 2021 election a peer assessment from the Association of Electoral Administrators to assess where election planning worked well and where it can be improved. The work of the AEA took place in September/October and they are now finalising their report and the report will be brought to the next meeting of the Committee.

3.2 In terms of canvassing update as at 18 October, the overall canvass completion rate is 89.7%. The completion rate for last year's canvass was 89%.

3.3 The personal canvass (door knock) is currently underway. There were 12,543 properties outstanding at the start of the personal canvass, and there are 11,873 left.

3.4 Ten canvassers have been employed to visit properties who have not responded to the two canvass letters they have received in the post. Each canvasser is covering two wards and will be working up until the end of November. Canvassers are collecting information on tablet devices which is then uploaded on a daily basis back to Electoral Services. If a response is not obtained on the first visit, the canvasser will make another visit and then leave a leaflet at the property to advise that we have called and to encourage the occupants to either go online or give us a call to respond to the canvass.

3.5 The revised register of electors will be published on 1 December. After the register is published, Electoral Services will email all members a register request form.

- 3.6 **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 including a detailed report to this meeting, The Commission’s website for our review can be seen [here](#).
- 3.7 The Commission has now confirmed that final recommendations will now be published by the Commission on 11 January 2022 and not in November as previously indicated by them. These recommendations then need to go before Parliament. We are separately coordinating an approach to the Secretary of State from those authorities impacted on by a boundary review to ensure
- 3.8 **Constitution revisions** – as the Committee is aware a review of the Constitution is underway with a number of changes made at the Annual meeting of Council on 19 May 2021 and at the meeting of Council on 21 July 2021. Further changes will be brought forward shortly to the officer delegations in part 3, these will come to the Committee meeting in November. The changes brought forwards at this meeting relate to issues on the rules of debate raised at the last Council meeting. We are keen to ensure that the review of the constitution takes place on a regular basis so that it can be kept up-to-date.
- 3.9 As part of the changes coming to the November meeting a detailed paper will be presented on the proposed approach for public questions at full Council, which was raised at Council in September 2021. Officers have looked at a number of schemes in place in other authorities and will bring recommendations to the November meeting.
- 3.10 **Councillor Safety** – in the light of the tragic murder of Sir David Amess MP a substantial amount of work is being undertaken to ensure the safety of our elected representatives this includes:
- **Overall approach** - The council will not tolerate violence, aggression, harassment or abuse against democratically elected councillors under any circumstances. We have worked with the police and have previously obtained injunctions against persons threatening Cllrs and will not hesitate to do it again if needed
 - **Safety device** - All councillors can have access the Alertcom personal protection system which they can use to call for immediate help if they are ever in a threatening or dangerous situation
 - **Cllr safety training** – officers will be doing a drop in session before Council on 3.11.2021 so that Cllrs can get updated advice on the alertcom device or get one (if they don’t already) We are also offering additional training and advice on personal safety for all councillors, and previously included it in the induction for new councillors and the Cllr handbook

- **Known threats** - we provide access to a register of people who are known to have previously been violent or made threats
- **Cllr Surgeries** - We are carrying out an urgent audit of all the Councillor surgeries and updating the risk assessments for these and liaising with the police.
- **Criminal issues** - We will also not hesitate in supporting any councillor in going to the police if they have encountered any behaviour which would constitute a criminal offence
- **Information** - We can also remove their address from the website register of interests if there are threats/harassment against them or their families and have done this for a number of Councillors.

- 3.11 **Freedom of the City nominations** – the Council is currently working through 2 nominations for freedom of the city, one is at an advanced stage and the other has recently been received. It is intended that a report will come to the November meeting on the first nomination.
- 3.12 **Code of Conduct matters** – there are a number of Code matters in the process of being addressed and some nearing conclusion, a detailed report will be brought to the next meeting on these matters. We are also in the process of appointing an additional independent person, which again we wish to bring back to the Committee shortly.
- 3.13 **Minutes** – There was an issue raised at the last Committee meeting re preparation of minutes – the following principles are adopted for the production of all minutes of Council/Committee meetings – these are based on the guidance in ‘Knowles on Local Authority Meetings’ A manual of Law and Practice:
- *A minute should be brief, i.e. precise and concise, recording exactly what was done and should never be, a verbatim record but a summary of the proceedings that includes only the essence of the discussion (if that) together with the decision and where required a sense of reason.*
 - *Detail attendance, apologies and declarations of interest.*
 - *Detail which councillor or officer presented an item, along with a summary of what was presented for approval/noting etc.*
 - *Detail which councillor moved and seconded recommendations or amendments (if formal committee).*
 - *Any decision should be set out at the end of the individual minute in the form of a resolution. i.e. Resolved: That....*
 - *Record of vote if requested or required by law i.e. budget setting*
 - *Mr A said... and Miss B replied...and then Ms C then pointed out that – must be avoided. This can also lead to amendments not strictly necessary as members naturally look with special care at paragraphs that attribute to them personally. Therefore if a discussion does need to be captured a impersonal style is recommended:*
 - *The following points were raised in discussion:The Committee had regard to...*

3.14 It is also important to note that all meetings are now live streamed, so should councillors, press or public wish to they can view all open sessions of meetings.

4.0 Financial implications

4.1 There are no financial implications arising from the recommendation in this report as Governance and Ethics Committee is simply asked to note the update and provide any feedback. [CN/21102021/M]

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/21102021/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 None

8.0 Appendices

8.1 None.

CITY OF WOLVERHAMPTON COUNCIL	Governance and Ethics Committee 22 October 2021
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Report title	Changes to the Constitution	
Cabinet Member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Wards affected	All Wards	
Accountable director	David Pattison, Chief Operating Officer	
Originating service	Democratic Services	
Accountable employee	Jaswinder Kaur	Democratic Services Manager
	Tel	01902 550320
	Email	jaswinder.kaur@wolverhampton.gov.uk
Report to be considered by	Council	3 November 2021

Recommendations for decision:

The Governance and Ethics Committee recommends that Council:

1. Approves the amendments to the Constitution as detailed in this report.
2. Authorises the Monitoring Officer to implement the changes.

1.0 Purpose

- 1.1 This report outlines the changes made to the constitution for approval by the Council. It is recommended that the Council agrees to the amendments to the Council's Constitution to ensure continuing lawfulness and effectiveness.

2.0 Background

- 2.1 The Governance and Ethics Committee regularly receives reports seeking to update the Constitution where it is necessary, the last such report was on 9 July 2021.
- 2.2 The changes being brought forward are following a full review of the Constitution.
- 2.3 The Constitution has been reviewed in totality and remodelled based on the model produced for local authorities by a national firm of solicitors, Bond Dickinson model. This is to ensure the constitution is clear and concise and that the decision-making processes can be followed by all.
- 2.4 Only those parts of the constitution listed below are amended, the other parts will remain unchanged.
- 2.5 This is the third of a series of reports – there will be additional reports brought forwards to review the other parts of the constitution. This is an ongoing process and important that this takes place as and when the changes are needed and does not wait for the annual review.

3.0 Changes to the Constitution

- 3.1 The table below details the Articles/Sections to be changed:

Section	Proposed	Rationale
Part 4 – Full Council Procedure Rules	To ensure that points of order are taken at the time and not at the end of the councillor speaking.	It became clear at the last meeting that points of order need to be able to be made when a councillor is speaking as otherwise this may inadvertently allow a point of order to have been breached, eg ensuring compliance with the time limit.
	To update the protocol for tied votes to remove the references to named individuals	To ensure that the reference is up-to-date.

4.0 Financial implications

4.1 There are no financial implications arising from the proposed amendments to the Constitution. [GE/1210201/F]

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. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes. This report ensures that the Council meets its duties. [SZ/12102021/P]

6.0 Equalities implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.2 The Constitution seeks to ensure that, in its decision-making and its operations, the Council fully complies with the public-sector equality duty.

7.0 Any other implications

7.1 There are no other implications arising from recommendations in this report.

8.0 Schedule of background papers

8.1 Changes to the Constitution, Governance Committee, 9 July 2021

9.0 Appendices

9.1 None

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