

CITY OF
WOLVERHAMPTON
COUNCIL

Governance and Ethics Committee

Thursday, 23 November 2023

Dear Councillor

GOVERNANCE AND ETHICS COMMITTEE - THURSDAY, 23RD NOVEMBER, 2023

I am now able to enclose, for consideration at next Thursday, 23rd November, 2023 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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7	<u>Local Authority Companies - Linked Bodies (Pages 3 - 14)</u>
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8	<u>Protocol for Full Council Public Questions (Pages 15 - 22)</u>
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If you have any queries about this meeting, please contact the Democratic Services team:

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Wolverhampton WV1 1SH

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Linked Bodies update

Governance and Ethics Committee
23 November 2023

Presenter:

David Pattison

Chief Operating Officer

Background – Wolverhampton position

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- My view as Monitoring Officer is that this Council is in a good position on Linked bodies
- Positive feedback from external auditors in the audit for 2021/22
- This Committee adopted Governance policy on Linked Bodies in November 2022
- Annual review of each linked body and deep dive at least every 3 years
- Currently deep dive on Wolverhampton Homes and Yoo Recruit

Background – Wolverhampton position

- What “linked bodies” does CWC have? These are listed on the following slides – critically for each there is:
 - a shareholder agreement/contract between the Council and the linked body defining the arrangement;
 - a business case and a regularly refreshed business plan setting out the key performance indicators and expected financial performance and
 - governance arrangements to monitor the compliance with the shareholder agreement/business case/business plan.

Background – Wolverhampton position

- Measures in place to monitor position include:
 - Internal Audit carry out at least one detailed audit into a linked body each year (WV Living in 2022/23)
 - At least 6 weekly update to Executive and Opposition Leader on Performance/Budget/Risk of each Linked Body
 - Scrutiny Panel discussions annually on each linked body with deep dive every 3 years
 - Linked Body Shareholder Board numbers increasing from 5 to 10 councillors
 - Each body has its own audit report – all for the last financial year have been unqualified

Oversight of Linked Bodies

Annual Governance Statement (AGS) – Monitoring of Council Bodies

Council companies has been a focus of auditors nationally as our auditors Grant Thornton have done Annual Governance Statement (which was approved by Audit and Risk Committee on 25 July 2023) has a heavier focus on monitoring of Council Bodies and how we ensure good governance in them

Also presentation on overall approach went to Resources and Equality panel on 29.6.22 and Governance and Ethics Committee in November 2022 - and then deep dive into governance of specific bodies at future panels including WVL arrangements on 14 July at residents Housing and Communities Panel

Key conclusion is that the Monitoring Officer has confidence that we have good arrangements in place to oversee the performance of these bodies. Auditors consider there to be good arrangements in place based on the Annual Audit Review in January 2023

There will continue to be careful consideration given to the way in which the Council monitors its owned/involved bodies and learns the lessons from best practice (and issues) in other authorities – eg Thurrock as the latest example

Shareholder Board – role and purpose

CIPFA Local authority owned companies: a good practice guide (2022 edition)

“The purpose of the shareholder board is to advise the shareholder representative in their role representing the authority at meetings of the company.

The shareholder board will provide necessary oversight from a shareholder’s perspective and provides a mechanism for councillors to have a crucial role in holding the company to account. [They] ensure that the objective and policies that the authority, as shareholder, has established for the company and are being adhered to. It will therefore monitor:

- *Company performance against the business plan*
- *Returns on investment, and*
- *Risks and opportunities*

It will also consider matters reserved to the authority for approval, such as varying the articles of association or appointing the auditors.

The shareholder board will report and make recommendations to the mayor/leader or to the Cabinet. It will need to liaise closely with the authority’s overview and scrutiny committee and audit committee and to share reports with them in respect of the company.”

Linked Body – Wolverhampton Homes

1. Wolverhampton Homes - Wolverhampton Homes is the Council's Arm's Length (Housing) Management Organisation (ALMO) and is a company wholly owned by the Council.

- control of the ALMO is through the Board which has representatives drawn from 1/3 council, 1/3 tenants and 1/3 independent. There is a Management Agreement between the Council and Wolverhampton Homes which sets out the contractual and governance arrangements between the parties, performance of the agreement with Wolverhampton Homes is regularly monitored.
- the agreement with Wolverhampton Homes and compliance with it is subject to a detailed review by the Council in 2022 to ensure that it remains fit for purpose as there is a break clause in the agreement in 2023.
- Detailed paper taken to Scrutiny Board in September 2023 and Cabinet in October 2023 suggesting some slight tweaks to current arrangements following Campbell Tickell review
- This will be regularly covered at the Climate Change Housing and Communities Scrutiny Panel

Linked Body – WV Living

2. **WV Living** - City of Wolverhampton Housing Company Limited – this is a wholly owned trading company set up under the powers in the Local Government Act 2003 and is known as WV Living focused on developing properties within the City to meet the Council’s aspirations in terms of available housing.

Deep dive due to take place in 2024 (last one in 2021)

Linked Body – Help 2 Own

3. Help 2 Own – this is a limited liability partnership that was jointly established with the West Midlands Combined Authority in 2021 to pilot an affordable housing product that helps to address the issue that many potential buyers who are in work have in raising the deposit to secure a mortgage.

This is the subject of a number of legal agreements which sets up the contractual and governance arrangements between the relevant parties.

Linked Body – Yoo Recruit

4. Yoo Recruit Limited – wholly owned trading company set up under the powers in the Local Government Act 2003 and provides staffing to the Council and other bodies.

- a company wholly owned by the Council, is the route through which the Council provides the vast majority of its temporary staffing. It has proved to be a cost effective way of controlling the cost and availability of temporary staff.
- recruitment and retention is a strategic risk that all local authorities and many public and private sector bodies are facing and has been added to the Council's strategic risk register.
- as the Council does with other linked bodies it is currently reviewing how Yoo Recruit is operating and its future options. This is a “deep dive” review that takes place every 3 years.
- the review and the proposed way forward will be brought to Cabinet Member around November/December 2023 and then Scrutiny and Cabinet.
- it is important that the role of Yoo Recruit is seen in the context of the wider work in the authority to strengthen the existing Human resources team and provide improved support in recruitment and retention.

Yoo Recruit - Governance

- Yoo Recruit is wholly owned by the Council
- Yoo Recruit Ltd board made up of a number officers appointed by the Cabinet to the board – no payments made to the directors
- Current contract with Adecco expires in August 2024
- Yoo Recruit is audited by external auditors – latest accounts detailed [here](#) – has had a clean bill of health
- The Council ultimately has the power to decide, as it does with all companies that it owns, whether to continue to operate Yoo Recruit or to move to a different approach.
- Monitoring Officer view is that currently there are very limited risks from the current operating model and that the arrangements in place are satisfactory

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CITY OF WOLVERHAMPTON COUNCIL	Governance and Ethics Committee 23 November 2023
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Report title	Protocol for Questions by Members of the Public	
Cabinet member with lead responsibility	Councillor Paula Brookfield, Governance and Equalities	
Accountable director	David Pattison, Chief Operating Officer	
Originating service	Democratic Services	
Accountable employee	David Pattison	Chief Operating Officer
	Tel	01902 550320
	Email	David.pattison@wolverhampton.gov.uk
Report to be considered by		

Recommendation for decision:

The Governance and Ethics Committee are asked to:

1. Note the implementation of Questions by Members of the Public from January 2024.
2. Authorise the Chief Operating Officer to publicise the Protocol for Questions by Members of the Public on the Council's website.
3. Agree that there is delegated authority to the Chief Operating Officer to make minor amendments to the Protocol for Questions by Members of the Public as required in consultation with the Cabinet member and Chair of the Committee.

1.0 Purpose

- 1.1 The purpose of this report is to propose minor revisions to the Protocol for Questions by Members of the Public.

2.0 Background

- 2.1 The Council, at its meeting on 20 July 2022, agreed revisions to the constitution which permitted questions by members of the public. It was noted that a protocol would be drafted to detail the practicalities of how questions by members of the public will be dealt with.
- 2.2 As set out in the Full Council Meetings Procedure Rules, Questions by Members of the Public can currently be asked to the Leader or a member of the Cabinet.
- 2.3 15 minutes are set aside for questions from members of the public.
- 2.4 The Council, at its meeting on 8 November 2023, approved a Protocol for Questions by Members of the Public.

3.0 Protocol for Questions by Members of the Public

- 3.1 The final version of the protocol for questions by members of the public is enclosed at Appendix 1.
- 3.2 The purpose of this protocol is to provide guidance to members of the public, Councillors and officers on how the public can submit and ask questions at Full Council meeting and how questions at Council meetings shall be dealt with.
- 3.3 It is intended the protocol be read alongside, and to be complementary to, Part 4 of the Constitution – Full Council Meetings Procedure Rules.
- 3.4 It is intended that it is implemented at Council on 24 January 2024 with questions needing to be submitted on 12 January 2024.

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendation within this report.
[GE/11082022/Q]

5.0 Legal implications

- 5.1 There are no legal implications arising the recommendation within this report.
[DP/22112023/A]

6.0 Equalities implications

- 6.1 There no equalities implications arising from the recommendation within this report.

7.0 All other Implications

7.1 There are no other implications arising from the recommendation within this report.

8.0 Schedule of background papers

8.1 [Agenda for Council on Wednesday, 20th July, 2022, 6.00 pm :: Wolverhampton City Council \(moderngov.co.uk\)](#)

8.2 [Agenda for Council on Wednesday, 8th November, 2023, 5.45 pm :: Wolverhampton City Council \(moderngov.co.uk\)](#)

9.0 Appendices

9.1 Appendix 1: Protocol for Questions by Members of the Public

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Protocol for Full Council Meeting Public Questions

Ask a question at a city council meeting

The City of Wolverhampton Full Council meetings include an allocated time of 15 minutes for members of the public to ask questions to the Council (excluding the budget meeting, meetings during a pre-election period and the Annual General Meeting).

Who may ask questions at Council?

Residents **only** of Wolverhampton are allowed to submit one question per council meeting.

Who must my question be addressed to?

You must address your question to one of the members of the Cabinet. Each Cabinet Member holds a different portfolio. You can read about the Cabinet and their roles here: [Cabinet | City Of Wolverhampton Council](#)

How to submit a question:

To submit a question, it must be submitted in writing in one of the following ways:

- Completing the Online Form
- Via email to Democratic.Services@wolverhampton.gov.uk
- Or by post in writing to: Democratic Services, City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RG

Deadline for submitting a question

The deadline for questions to be submitted to be asked at a Full Council meeting is, no later than noon seven clear working days before the meeting (e.g. Friday for a meeting on the Wednesday – 12 days later) – **e.g Friday 3 June for a meeting on Wednesday 15 June**. If you can give us more notice than this, we can help you to prepare your question as well as offering general advice and information.

If your question has been approved, the question will be read out to the Council meeting by an officer from Democratic Services. (You are welcome to attend the meeting and observe from the public gallery, alternatively you can watch the live stream)

When submitting your question you must give your name, address, and where possible an email address. The address must be the address at which you live and be within the City boundary. Please note that by submitting a question and your address, you are giving approval for the Council to check this address against the electoral register or council tax records if required. Should we be unable to validate your address we may contact you for proof of address.

Before submitting a question, please note the following:

- We will process your question as set out in the Council's Constitution.
- We will publish your full name along with your question.
- By submitting your question, you are indicating your consent for your personal data to be used for this purpose.

- Questions will be taken in the order received, within the time available.
- They will be asked exactly as submitted.
- It is assumed that you wish the question to be answered at the next meeting of the Council unless otherwise stated.

Questions must also fit the following criteria:

- No question must exceed 1 minute (no answer will exceed 3 minutes)
- The question must refer to an issue which affects wards in Wolverhampton or falls within the council's responsibilities.
- The question must not be substantially the same as a question which has been asked at a meeting of the council in the past 6 months.
- The question must not be defamatory, frivolous, vexatious, or offensive. (It must not insult anyone and must be serious in nature)
- The question must not require the disclosure of confidential or exempt information.
- The question must not refer to individual planning or licensing matters, or any matter of a personal nature.
- The question must not relate to complaints made under statutory provisions which have not been finally dealt with.
- The question must not be a matter subject to litigation or could place the Council at risk of litigation.

Please note that priority will be given to those who have not previously asked a question in the last 6 months.

The Monitoring Officer has the power to reject a question if it fails to meet the above criteria.

Order of questions

Questions will be taken in the order received, within the time available. Only a suitable number of questions will be considered within the allocated time and added to the agenda. No questions will be rolled over.

How will questions not answered at the meeting be dealt with?

Any question that has been submitted in time and that cannot be dealt with during public question time (either because of lack of time or because of the Councillor who is required to answer the question is unable to attend the meeting) will be dealt with by a written reply.

What should I do on the day of the meeting?

Please arrive at least 15 minutes before the start of the meeting so that you can be shown to the public gallery if you wish to attend in person to hear your question read. You will be sent a copy of the agenda for the meeting about a week in advance. You are welcome to stay for the remainder of the meeting that is open to the public or you may leave after your question has been dealt with.

Will the meeting be recorded or videoed when public questions are asked?

Members of the public or journalists attending any public meetings may record the meeting, including either audio or video recordings. This will include any public

questions. The Council cannot prevent the recording taking place so please consider this possibility before submitting your question.

The Council also webcasts the meeting live and a copy is available on the Councils website for up to six months.

How will my question and personal information be recorded

Your name will be included in the agenda pack with your question, which will be publicly available information. Your name will also be included in the minutes, along with the question asked and who responded. Your address and contact details will not be given out but will be stored by the Democratic Services Team at the Council for up to one year.

Data Protection

By submitting a question for a meeting, you are giving your consent that your name, address and postal town and any other personal details will only be used by the Democratic Services Team to process a question you have asked and shall appear in the minutes of the meeting. This is under the General Data Protection Regulation (GDPR).

You are not obliged either by statute or by contract to provide your contact details, but we will be unable to process your question without them. If you submit a question, we will email you the updates and responses relating to that question only. For more information, please refer to our [detailed privacy notice](#). All other information you provide will only be shared with Democratic Services staff dealing with the Committee. Following the approval of the minutes, any additional information - other than your name and postal address - will be destroyed.

The Data Controller is The City of Wolverhampton Council, and its Data Protection Officer is Anna Zollino-Biscotti who can be contacted at dpo@wolverhampton.gov.uk.

Please note that if you are unhappy with the handling of your data you have the right to complain to the [Information Commissioners Office](#).

Question Submission - Online Form

Full Name

Full Address in Wolverhampton

Email Address

Date of the meeting at which you wish your question to be asked (Dates of the applicable meetings will be listed in a drop-down box)

Question

Who is the question submitted to? (Names of the Cabinet will be listed in a drop-down box)

Please note if you are submitting via email or post the above information will be required.

Future Meetings

Members of the public are welcome to attend the meeting to observe proceedings online via the webcast where you will be able to watch questions submitted by the public.

You can find a list of upcoming full council meetings, as well as questions and responses from previous meetings, on our [City of Wolverhampton Council meetings page](#).

Contact details for Democratic Services

You can contact the Democratic Services Team if you would like to discuss submitting questions to the Council by:

Email: Democratic.Services@wolverhampton.gov.uk

Democratic Services,
City of Wolverhampton Council,
Civic Centre,
St Peter's Square,
Wolverhampton,
WV1 1RG