

Governance and Ethics Committee

3 September 2021

Time	10.00 am	Public Meeting?	Yes	Type of meeting	Advisory group
Venue	Council Chamber -	4th Floor - Civic Ce	entre		group
Membe	ership				
Chair Vice Chai		n Singh (Lab) nn Crofts (Con)			
Labour		Conservative			
Cllr Claire Cllr Celia Cllr Rita P Cllr John	Hibbert otter	Cllr Simon Benn Cllr Wendy Thon			

Quorum for this meeting is three Councillors.

Information for the Public

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

Contact	Donna Cope
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Some items are discussed in private because of their confidential or commercial nature. There reports are not available to the public.

Agenda

Part 1 – Items open to the press and public

Item No. Title

1	Apologies for absence
2	Declarations of interest
3	Minutes of the previous meeting (Pages 3 - 6) [To approve the minutes of the previous meeting held on 9 July 2021 as a correct record.]
4	Matters arising [To discuss any matters arising from the minutes of the previous meeting.]
5	Update from the Monitoring Officer on Governance Matters (Pages 7 - 12) [To receive an update on governance matters from the Monitoring Officer.]
6	Overview of Electoral Cycles (Pages 13 - 18) [To note the process for changing electoral cycles.]
7	Proposed Response to the Local Government Boundary Commission for England's Consultation [To consider a proposed response to the Local Government Boundary Commission for England's consultation – Report to follow.]
8	Conferring the Title of Honorary Alderman

Conferring the Title of Honorary Alderman [To consider conferring the title of Honorary Alderman – Report to follow.] CITY OF WOLVERHAMPTON COUNCIL

Governance and Ethics 3 Committee

Minutes - 9 July 2021

Attendance

Members of the Governance and Ethics Committee

Cllr Tersaim Singh (Chair) Cllr Jonathan Crofts (Vice-Chair) Cllr Dr Paul John Birch J.P. Cllr Claire Darke (Virtually) Cllr Celia Hibbert Cllr Rita Potter (Virtually) Cllr Sandra Samuels OBE Cllr Simon Bennett (Virtually) Cllr Wendy Thompson

In Attendance

Cllr Paula Brookfield, Cabinet Member for Governance and Equalities (Virtually)

Employees

David Pattison	Director of Governance
Laura Noonan	Electoral Services Manager
Jacob Stokes	Democratic Services Assistant

Part 1 – items open to the press and public

Item No. Title

1 **Apologies for absence** Apologies for absence were submitted by Councillor John Reynolds.

2 Declarations of interest

There were no declarations of interest made.

3 **Minutes of the previous meeting** That the minutes of the previous meeting held on 24 June 2021 be approved as a correct record.

4 **Matters arising**

There were no matters arising from the minutes of the previous meeting.

5 Evaluation of 2021 Elections

David Pattison, Director of Governance, introduced the report on the evaluation of the 2021 elections.

Laura Noonan, Electoral Services Manager, identified the key themes from the election, noting both the best practice and the areas for improvement, as detailed in section three of the report.

The Electoral Services Manager outlined the plan and timetable for the annual canvass, as detailed in section 15 of the report.

The Committee commended the council for all the hard work in delivering a successful election in the face of the challenges presented by COVID-19. The Committee also noted many of the areas for improvement.

The Director of Governance responded to questions asked by the Committee.

Councillor Jonathan Crofts asked for a breakdown of the costs of the election. The Director of Governance assured the Councillor that the election was within budget, and a full detailed breakdown would be brought to a future meeting.

Resolved:

- 1. That the evaluation on the 2021 elections be noted.
- 2. That the plan for the 2021 Annual Canvass be noted.

6 **Update from the Monitoring Officer on Governance Matters**

David Pattison, Director of Governance, provided an update on the work programme for the forthcoming year, as detailed in paragraph 2.2 of the report, and asked the Committee to provide feedback or offer any other business that should be added to the work programme.

The Director of Governance also flagged the issue of Councillor allowances, noting that the current scheme expires in May 2022, and thus needs to be reviewed.

The Committee agreed that the issue of Councillor allowances should be looked at, with members offering several reasons as to why it should be increased. The Director of Governance assured the Committee that the review would cover all the points raised.

Responding to questions, the Director of Governance assured the Committee that the council would assist the Independent Renumeration Panel with any information it needs, and any report would be brought before the Committee.

Councillor Paul Birch suggested the Committee rest the discussion and ask the relevant officers to come back to the Committee with recommendations on finding a way forward. Councillor Sandra Samuels OBE seconded this recommendation but added that any discussion should happen promptly.

Resolved:

- 1. That the feedback provided on this report be noted.
- 2. That the proposed work programme for the Municipal Year 2021/2022 at paragraph 2.2 of this report be agreed.

7 Changes to the Constitution

David Pattison, Director of Governance, delivered a report on changes to the constitution, that would help ensure continuing lawfulness and effectiveness. He outlined the proposed amendments and rationale for these amendments.

The Director of Governance responded to questions asked and confirmed that any report regarding due diligence would be brought before the Committee.

The recommendations within the report were carried.

Resolved:

8

That the Council be recommended to:

- 1. Approve the amendments to the Constitution as detailed in Appendix 1 to the report.
- 2. Authorise the Monitoring Officer to implement these changes.

Electoral Review: Local Government Boundary Commission for England Draft Recommendations

David Pattison, Director of Governance, shared the Local Government Boundary Commission for England's (LGBCE) draft recommendations and outlined the proposed approach for signing off the Council's response to these recommendations.

The Director of Governance confirmed that the paper suggested by Councillor Jonathan Crofts on all out elections at the last meeting would be brought before the Committee at the next meeting.

Laura Noonan, Electoral Services Manager, and the Director of Governance responded to questions asked about the proposed variations to warding patterns, as outlined in paragraph 3.7 of the report.

The Electoral Services Manager clarified that the proposed variances for each ward all fall within the 10% margin of tolerance as set out in the LGBCE's report and explained that the method by which the LGBCE reached their variances is outlined in their report.

Councillor Paul Birch moved the recommendations within the report.

Resolved:

- 1. That the proposed approach to preparing the Council's response to the draft recommendations be approved.
- 2. That the draft recommendations received from the Local Government Boundary Commission for England be noted.

9 Code of Conduct Matters

David Pattison, Director of Governance, outlined the proposal that the Committee adopt a social media protocol in line with the revised Code of Conduct. This proposed protocol was outlined in paragraph 3.2 of the report. The Director of Governance explained that if the protocol was supported, it would be brought before the Committee for adoption at the next meeting.

The Director of Governance explained that a report would be brought to the next meeting detailing the proposals for appointment of a further Independent person, in line with best practice. The Director of Governance detailed that a report would be brought to the next meeting with the annual report on the Code of Conduct complaints received.

It was anticipated that some hearings would be taking place shortly, so the Director of Governance sought to update the hearings procedure, detailed in Appendix 1.

Councillor Paul Birch moved the recommendations within the report. Councillor Wendy Thompson seconded the recommendations.

Resolved:

- 1. That the comments on the Social Media Protocol be noted.
- 2. That the revisions to the hearing procedure attached at Appendix 1 to this report be agreed.

10 Awarding the Freedom of the City

David Pattison, Director of Governance, presented the report on proposed changes to the procedure for awarding Freedom of the City. At present, there were no guidelines or protocols governing how the Council makes such awards.

Councillor Paul Birch moved the recommendation within the report. Councillor Celia Hibbert seconded the recommendation.

Resolved:

1. That the Council be recommended to approve the protocol for awarding Freedom of the City.

CITY OF WOLVERHAMPTON COUNCIL	Governance & Ethics Committee 9 September 2021	
Report title	Update from th Governance M	e Monitoring Officer on atters
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance	
Accountable director	David Pattison: Monitoring Officer	
Originating service	Governance	
Accountable employee	David Pattison Tel Email	Director of Governance 01902 553 840 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 and Ethics 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 co-opted 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;

I. 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	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	On the agenda		
	Regular Monitoring Officer Update	David Pattison	On the agenda		
	Electoral Cycle report	David Pattison	Additional item – on the agenda		
	Further revisions to the Constitution	David Pattison	Deferred to October meeting		
	Petitions	Jas Kaur	Deferred to October meeting		

This report is PUBLIC [NOT PROTECTIVELY MARKED]

	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	
	Local Government and Social Care Ombudsman Annual Report	David Pattison	
19 November 2021	Regular Monitoring Officer update	David Pattison	11 November 2021
	Report on implementation of the LGBCE review	David Pattison	
	Review of the Corporate Code of Governance	David Pattison	
14 January 2022	Regular Monitoring Officer update	David Pattison	6 January 2022
	Election preparation update	David Pattison	
18 February 2022	Regular Monitoring Officer update	David Pattison	10 February 2022
	Constitution review	David Pattison	
25 March 2022	Regular Monitoring Officer update	David Pattison	17 March 2022
	Election update	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

This report is PUBLIC [NOT PROTECTIVELY MARKED]

- 3.1 **Elections update -** a detailed update report on the May 2021 elections went to the July meeting of the Committee.
- 3.2 Currently the annual canvass is underway. As of 23 August 2021, all properties in Wolverhampton have received at least one canvass communication and the overall canvass completion rate is 86%. The target is to get to over 90% as the overall canvass completion rate for the 2020 canvass was 89% without being able to do a personal canvass.
- 3.3 Following the data match, 80% of properties (92,230) were allocated to route 1 as they matched with national/local data matching indicating no change. All of these properties have been contacted via email or a letter in the post. They only need to respond if there is a change. 3,824 (4%) of these properties responded to make a change.
- 3.4 20% (23,923) of properties were allocated to route 2 as the data match indicated a change in household composition. A canvass letter was posted to these properties on 19 July with the response deadline date as 20 August. 7,469 (32%) properties have responded to this communication. The vast majority (81%) of these have responded online. Non-responding properties with a contact number will be contacted via telephone by customer services staff during September. A canvass form with a pre-paid envelope will be posted to all non-responding properties without a contact number on 8 September. Canvassers will be employed in October to follow up any outstanding properties. Appropriate risk assessments and PPE will be put in place.
- 3.5 **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 <u>here</u>.
- 3.6 **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 October. 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.

4.0 Financial implications

4.1 There are no financial implications arising from the recommendation in this report as the Governance and Ethics Committee is simply asked to note the update and provide any feedback. [CN/25082021/U]

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/25082021/C].

This report is PUBLIC [NOT PROTECTIVELY MARKED]

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 3 September 2021	
Report title	Overview of el	ectoral cycles
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Accountable director	David Pattison, Director of Governance	
Originating service	Electoral Services	
Accountable employee(s)	Laura Noonan Tel Email	Electoral Services Manager 01902 554939 Laura.noonan@wolverhampton.gov.uk
Report to be/has been considered by	Not applicable.	

Recommendations for noting:

The Governance Committee is asked to note:

1. The process for changing electoral cycles.

1.0 Purpose

1.1 To present on the process re different electoral cycles. This is for information, there are no recommendations being made for decision.

2.0 Background

- 2.1 In the Governance and Ethics Committee meeting on 24 June, it was requested that a briefing paper is brought forward to present the process re different election cycles.
- 2.2 Election by thirds is the current system in place in Wolverhampton, where one third of the Councillors are elected to office in three years out of four years. In the fourth year there are no elections, which is known as a fallow year. Election by halves is where half of the Councillors are elected every 2 years.
- 2.3 All out elections are where all Councillors are elected to office once every four years.
- 2.4 Currently 232 councils in the country hold all out elections. 116 councils elect by thirds. 7 councils elect by halves.
- 2.5 Of the authorities in the West Midlands Combined Authority area all councils elect by thirds, except for Birmingham who moved to all out elections in 2018¹.
- 2.6 Legal process for changing electoral cycles The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") enables councils to set their own electoral cycle (see sections 31 63). It allows councils to consider passing a resolution to change to whole council elections, or where they previously elected by thirds but have moved to all out elections to revert back to thirds. It does not allow councils to move from elections by thirds to election by halves or from elections by halves to elections by thirds.
- 2.7 Section 33 of the Act outlines the steps that must be taken in order to change the electoral cycle.
- 2.8 The 2007 Act states that a council must not pass the resolution unless "it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change". Whilst the Act does not specify the process for consultation it would need to be a reasonable level of consultation and would need to be for a reasonable period of time.
- 2.9 If, after the consultation, a council wishes to pass a resolution to change its electoral cycle the resolution must be passed:

a) at a meeting which is specially convened for the purpose of deciding the resolution; and

b) by a majority of at least two thirds of the elected members voting on it.

¹ Details of the changes made at Birmingham can be seen through the following link - <u>Local Government Elections</u> | <u>Elections results and further information</u> | <u>Birmingham City Council</u> the changes took place following a Governance review by Lord Kerslake – details of which can be seen <u>here</u>

If the resolution is passed, then the council must produce an explanatory document available for public inspection and give the Local Government Boundary Commission for England ("the Commission") notice that it has passed the resolution. The resolution must specify the year for the first ordinary elections of the council at which all Councillors are to be elected.

- 2.10 There is then a detailed process for the implementation of the change to electoral cycle that is detailed through the Act and related guidance. This includes inviting the Commission to consider whether it wishes to carry out an electoral review.
- 2.11 **This Council's position –** In its initial discussions with the council, the Commission sought clarity on the Council's approach to the electoral cycle, as had there been a wish to change the approach, that may have affected the Commission's approach. The Council's first response to the Commission's electoral review in 2020 confirmed that the Council elects by thirds.
- 2.12 Following the boundary review in this authority, all out elections will take place on all 20 of the new wards, and then the Council will eventually return to a cycle of election by thirds.
- 2.13 The current electoral timetable is as follows:

2022 - City Council Elections (thirds)

2023 - City Council Elections (all out elections)

2024 – City Council Elections, Police and Crime Commissioner Elections, West Midlands Combined Authority Mayoral Elections and UK Parliamentary Election

2025 - None (fallow year)

2026 - City Council Elections

2027 - City Council Elections

2028 – City Council Elections, Police and Crime Commissioner Elections and Combined Authority Mayoral Elections

- 2.14 The Commission has agreed to delay implementation of the all-out elections, following the boundary review, from 2022 to 2023 as it has with a number of other authorities in the same position. The schedule of elections following the boundary review will be prescribed in the Electoral Changes Order, which will be laid in Parliament in Winter 2021/2022.
- 2.15 We have asked for the fallow year to move from 2025 to 2024, this is to avoid the issue whereby a number of Councillors will have effectively had 3 elections in 3 years e.g. being elected in 2022, then elected in 2023 as the 3rd of 3 Councillors at the all out election and then having to retire in 2024 and stand again as a result of coming 3rd in that ward. The Commission has explained that it does not have the power to include such a recommendation in an Order implementing its recommendations. However under section

87 of the Local Government Act 2000 the Secretary of State has powers to change, by Order, the years in which ordinary elections of principal councils take place and includes at Section 87 (3) the power to make provisions to secure the retirement of existing Councillors at times different from those at which they would otherwise retire. We will therefore be liaising with Government to seek to persuade them to do so.

3.0 Comparison

3.1 The table below shows some the advantages and disadvantages of each cycle. This includes learning from the Electoral Commission and research from other authorities who have reviewed their election cycles.

	Election by thirds	All out elections
Advantages	 This is the system currently in place – everyone knows how it works. It is more regular, so voters get the opportunity to vote every 	• Voters will get to see a four-year manifesto and long-term commitments from candidates which may be easier to make judgements on.
	 three out of four years. Councillors and political parties get to be held to account by the voters more regularly for their decisions. 	 Moves away from yearly election campaigning. Clearer opportunity for the electorate to change the political composition of the Council once
	 Helps to give more opportunities to debate and discuss local issues, which may otherwise get confused with national issues. 	 Saves money – cost of hiring polling stations, hiring staff and producing poll cards, ballot papers and postal packs will only be done
	• Allows for gradual change at the Council, rather than the possibility of big changes every four years if a different political party wins a majority.	 once every four years instead of three. Simpler for electors and more easily understood because it is a similar timescale to a General Election every five years.
	 Can ensure that the political composition of authorities more accurately reflects the current political complexion of local areas. 	 Same electoral cycle as Police and Crime Commissioner and Combined Authority Mayoral elections which take place every four years.
	 Provides a more up to date reflection of the views of local people. More continuity of Councillors without any chance of them all 	• Less elections may mean less election fatigue so people may be more interested in voting when the time comes, and this may

	 being replaced in a single election. Provides a regular influx of newly elected Councillors who can bring new ideas and fresh approaches to the Council. 	increase the number of people using their vote.
Disadvantages	 Less stability – regular changes of political control can affect local businesses and Council services. Confusing for the electorate as to which candidate is to be elected and what the process is. It is difficult to see through major policy decisions, or large infrastructure or regeneration projects in a single year. Difficult or unpopular decisions can be put off for future years, rather than taken when needed. Constant year on year campaigning by Councillors and political parties may lead to voter fatigue and a lack of interest. 	 A withdrawal of the opportunity to vote more frequently may disengage some of the city's electors if they only vote once every four years as opposed to election by thirds. May be seen as less democratic as Councillors only get voted in every four years as opposed to the current system. If a large number of Councillors are replaced in one election this may be disruptive and may lead to big changes to policies, plans and services. Newly elected Councillors or political parties may become complacent because they know they won't have to be re-elected for another four years. All out elections may give advantage to larger political parties which have the resources to campaign across the city. Would lead to more by-elections taking place, which would incur cost. Likely to lead to a greater loss of experience compared to the phased introduction/loss of Councillors when retirements are by thirds. Less frequent elections could be detrimental to encouraging candidates to stand for election as

	the opportunity to serve on the Council will be less frequent.
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3.2 The Electoral Commission produced a report in 2004 recommending that Government should avoid the current confusion and move to a consistent approach to elections across England without the option for local choice. That recommendation would need legislation to enact the change and that has not been made.

4.0 Financial implications

- 4.1 The cost of running local elections to the Council in any year is dependent on whether they are standalone or combined with Parliamentary, Police and Crime Commissioner or Combined Authority Mayoral elections. Combined elections costs are effectively shared, part funded by Government or the Combined Authority.
- 4.2 The historic cost of running a standalone local election by thirds has been in the region of £260,000. The cost to the Council as part of a combined election approximately halves. It is estimated that the additional cost of running an all out election would be no more than £20,000, consisting largely of extra count staff to manage the higher volume. It is clear, therefore, that significant cost reductions can be achieved by running a single all out election rather than three elections by thirds. The exact value of that cost reduction to the Council over a four year election cycle would be dependent on the schedule of elections under old and new systems. [GE/2508/2021/H]

5.0 Legal implications

5.1 There are no legal implications arising from the report. [DP/25082021/B]

6.0 Equalities implications

6.1 There are no equalities implications arising from the report.

7.0 All other Implications

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

8.0 Schedule of Background Papers

8.1 The cycle of local government elections in England, Electoral Commission, January 2004:

https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/ cycleoflocalelecfinal_11595-9056_E_N_S_W_.pdf