



Special Advisory Group

5 November 2014

Time 4.00 pm **Public Meeting?** Yes **Type of meeting** Advisory group

Venue Committee Room 2 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)

Labour

Cllr Val Evans
Cllr Roger Lawrence
Cllr Elias Mattu
Cllr Peter O'Neill
Cllr Paul Sweet

Conservative

Cllr Paul Singh
Cllr Wendy Thompson

Liberal Democrat

Cllr Richard Whitehouse

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Dereck Francis
Tel/Email 01902 555835 or dereck.francis@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

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

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interests |
| 3 | Minutes of the previous meeting (21 October 2014) (Pages 1 - 6)
[For approval] |
| 4 | Matters arising
[To consider any matters arising from the minutes of the previous meeting] |

DECISION ITEMS

- | | |
|---|--|
| 5 | Local Government Pension Schemes Governance Reforms 2014
(Pages 7 - 22)
[To support revisions to the Constitution for consideration by the Standards Committee and recommended to Council for approval] |
| 6 | Changes to the Constitution (Pages 23 - 28)
[To support a number of changes to the Constitution, to be considered by the Standards Committee and recommended to Council for approval] |
| 7 | Parent Governor Representatives - Amendments to the Constitution
(Pages 29 - 40)
[To consider a number of changes to the Constitution to be considered by the Standards Committee and recommendation to Council for approval] |



Special Advisory Group

Minutes - 21 October 2014

Attendance

Members of the Special Advisory Group

Cllr Andrew Johnson (Chair)
Cllr Roger Lawrence
Cllr Elias Mattu
Cllr Peter O'Neill
Cllr Paul Singh
Cllr Paul Sweet
Cllr Wendy Thompson
Cllr Richard Whitehouse

Employees

Dereck Francis	Democratic Support Officer
David Garner	Electoral Services Manager
Andrew Harvey	Graduate Management Trainee
Kevin O'Keefe	Chief Legal Officer
Martyn Sargeant	Head of Democratic Services

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
An apology for absence was submitted on behalf of Cllr Val Evans.
- 2 Declarations of interests**
No declarations of interests were made.
- 3 Minutes of the previous meeting (25 June 2014)**
Resolved:
That the minutes of the meeting held on 25 June 2014 be approved as a correct record and signed by the Chair.
- 4 Matters arising**
There were no matters arising from the minutes of the previous meeting.
- 5 Polling stations review**
The Advisory Group received a report on the responses to the consultations on the review of polling districts, polling places and polling stations.

Martyn Sargeant, Head of Democratic Services informed the Advisory Group that following the publication of the agenda and report on the polling station arrangements for next year's elections, and subsequent to discussions, the proposals had been revised as follows:

East Park: the southern polling district (KHA) would be split in two, with the new area (KIA) being served by a joint station with Ettingshall (Memorial Hall), which was just over the ward boundary and would reduce the distance for voters to travel to a station located in the north east of the district.

Ettingshall: following complaints about the suitability of the 44 Club for district LKA, which was outside the ward boundary, provisional agreement had been reached to site a polling station at the Elizabeth Arms, a pub at the entrance to the estate.

Tettenhall Regis: for clarity, the polling station at the Claregate Pavilion (district SCA), which was marked as 'for deletion', has been removed as this has not been a station for a number of years.

Tettenhall Wightwick: the removal of Wightwick Manor as a station had been confirmed (district TGA) following complaints about accessibility and lighting, to be replaced by the reinstatement of Wightwick Hall School.

The Advisory Group went through the proposals for the each of the individual wards within the city and made the following comments and observations:

Tettenhall Regis – Cllr Wendy Thompson expressed concern that residents living in the east side of the ward would have a long journey to the station that would serve polling district SJA. She suggested that a temporary polling station be provided as a solution. Martyn Sargeant reported that he had met Cllr Thompson to discuss these concerns. There had been difficulties in terms of siting a temporary polling station. He was not aware of a location where a temporary station could be safely located and that was closer than the proposed location. Data had been collated on voter turnout because of the distance and what it would mean for turnout at an election. The findings were inconclusive as whilst it showed a dip in voter turnout in that part of the ward, the dip was reflected elsewhere in the ward. Martyn Sargeant was asked to make the data available to Cllr Jonathan Yardley

Cllr Mrs Thompson also reported that the new development in Danescourt and further works along the Tettenhall Road would be an ongoing issue. Martyn Sargeant suggested that these points be picked up in the review for the 2016 election.

Tettenhall Wightwick – Cllr Wendy Thompson welcomed the proposal to revert to using Wightwick Hall School instead of Wightwick Manor in polling district TGA. She also reported that a huge number of voters use the station at St Columba's Church, Castlecroft Road and she would like to see that there are sufficient polling staff and voting booths deployed at the station. She also highlighted that residents in Ash Hill would have a long distance to travel to their polling station and that parking difficulties are experienced at the station at Henwood Road, Compton

Bushbury North – it was reported that the proposed polling station at Northcote Farm was a not conveniently located for the area that it served. There was a lack of community buildings in that area and a lack of easy locations to site a temporary station. The station was not ideal but was a preferable alternative to a temporary polling station. The Chair asked that this be kept under review.

Bushbury South and Low Hill – Martyn Sargeant reported that the polling station at Park Village Centre, Cannock Road/Park Lane (BGA) might not be available. He proposed that the Park Village Centre be kept in the plans at this stage but that a provisional option of using the Good Shepherd Centre, Second Avenue as a double station for polling districts BAA and BGA be approved.

Graiseley – Cllr Elias Mattu suggested that the polling districts ND and NE should be merged. He also stressed the need to effectively communicate the changes the polling stations to residents in the area in appropriate ethnic languages.

Heath Town – Martyn Sargeant reported that some venues for polling stations might no longer be available. In the light of this the following contingency arrangements were proposed:

- (1) polling districts DEA and DFA be merged to be served by the station at Holy Trinity Church Hall, Bushbury Road.
- (2) Woden Primary School, Springfield Road would be retained as a polling station and a small tweak would be made to the polling district boundary.

Springvale – Cllr Richard Whitehouse reported that voters who previously used the polling station at 52 Pugh Road would now have to walk up steep hills to their new station. Similarly voters living at the bottom of the new Polling District MJA would have a steep walk to get to the polling station at Hurst Hill Methodist Church. He suggested that those voters would be better served if they could use the polling station in district MFA. He also reported that the rear gates at Hill Avenue Primary School needed to be open during the polling hours otherwise some residents using that station would have a long walk to the station. Martyn Sargent undertook to identify what the suggestions would mean in terms of voter numbers and try to identify whether there were solutions. If so they would be included in the report to Council on 17 December.

St Peter's - Wolverhampton Homes has agreed to install a ramp for wheelchairs to address the issue of suitable wheelchair disabled access. It was therefore proposed to reinstate the polling station at the Tenants' Meeting Room, Boscobel Estate.

At the end of the discussion Cllr Andrew Johnson placed on record his thanks and appreciation to all those who had submitted responses to the consultation. He also asked that the thanks of the Advisory Group be passed on to the Council employees involved in the comprehensive review.

Resolved:

1. That the proposals for polling districts, polling places and polling stations be approved and referred to Full Council, where appropriate, for approval subject to the following revisions:

- a. **East Park** - The southern polling district (KHA) be split in two, with the new area (KIA) being served by a joint station with Ettingshall (Memorial Hall) which is just over the ward boundary and would reduce the distance for voters to travel to a station located in the north east of the district.
- b. **Ettingshall** - following complaints about the suitability of the 44 Club for district LKA, which was outside the ward boundary, and subject to agreement, a polling station be located on the car park at the Elizabeth Arms, a pub at the entrance to the estate.
- c. **Tettenhall Regis** – The polling station at the Claregate Pavilion (district SCA), which was marked as ‘for deletion’, be removed as this has not been a station for a number of years.
- d. **Tettenhall Wightwick** – Confirmed the removal of Wightwick Manor as a station for district TGA, to be replaced by the reinstatement of Wightwick Hall School.
- e. **Bushbury South and Low Hill** - Park Village Centre, Cannock Road/Park Lane (BGA) might no longer be available. The Park Village Centre would be kept in the plans at this stage but with the the option of using the Good Shepherd Centre, Second Avenue as a double station for polling districts BAA and BGA.
- f. **Heath Town** - Park Village Centre might no longer be available. Polling districts DEA and DFA would therefore be merged to be served by the polling station at Holy Trinity Church Hall, Bushbury Road.

Springfield Youth Centre might also no longer be available. Therefore the Woden Primary School, Springfield Road would be retained as a polling station and the DAA polling district boundary would be amended to include all of Springfield Road plus Hemmings Close.

- g. **St Peter’s** – Wolverhampton Homes would install a ramp for wheelchair access at the Tenants Meeting Room, Boscobel Estate. Therefore the polling station be reinstated.
2. That the suggestions made by Cllr Richard Whitehouse regarding the Springdale ward be explored further to determine whether there are better solutions and if so they be included in the report to be submitted to Council on 17 December 2014.

6 **Health Scrutiny Arrangements**

Cllr Roger Lawrence presented the report on the powers of health scrutiny held by the Council and on proposals as to how the powers should be discharged.

Resolved:

That Standards Committee be recommended to propose to Full Council that:

1. It discharge its Health Scrutiny powers as follows:

- (a) Health Scrutiny be delegated to the Health Scrutiny Panel
 - (b) Responses to consultations by relevant NHS bodies and relevant health service providers on substantial reconfiguration proposals be delegated to the Health Scrutiny Panel
 - (c) Referral of NHS substantial reconfiguration proposals to the Secretary of State be retained by Full Council.
2. The composition of the Health Scrutiny Panel be increased to include three co-opted members from Wolverhampton HealthWatch and that they be accorded full voting rights.
3. Should a joint health scrutiny committee with another local authority be required the arrangements for this be constituted by Full Council on a need-by-need basis.
4. The process for Wolverhampton HealthWatch or HealthWatch contractors to refer a matter to the local authority be as follows:
 - (a) All referrals should to be sent to the Scrutiny Team
 - (b) All referrals to be acknowledged by the Scrutiny Team within 20 working days
 - (c) The referral be considered by the next available Health Scrutiny Panel
 - (d) A response to the referral be given to HealthWatch or HealthWatch contractors within five working days after consideration by the Health Scrutiny Panel.

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Special Advisory Group

5 November 2014

Report title	Local Government Pension Schemes Governance Reforms 2014	
Cabinet member with lead responsibility	N/A	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Geik Drever, Director of Pensions	
Originating service	Pensions	
Accountable employee(s)	Rachel Howe,	Head of Governance 01902 552091 Rachel.howe@wolverhampton.gov.uk
Report has been considered by	Constitution Review Group	14 October 2014
	Pensions Committee	10 December 2014
	Standards Committee	8 January 2015

Recommendation(s) for action or decision:

The Group is recommended to support revisions to the Constitution for consideration by the Pensions Committee, Standards Committee and agreement by Council, specifically:

1. Those amendments required to the constitution under the Public Service Pensions Act 2013
2. Those amendments which are ancillary to those required under the Public Service Pensions Act 2013
3. Those amendments requested in order to facilitate good governance and efficient operation of the West Midlands Pension Fund

1.0 Purpose

- 1.1 To provide an update on the work undertaken by the West Midlands Pension Fund in seeking its compliance with legislative changes.
- 1.2 To outline proposed amendments to the Council's Constitution which are required to comply with legislation, are ancillary to those functions and those which provide good governance.

2.0 Background

- 2.1 The Public Service Pensions Act 2013 ('The 2013 Act') brought about a significant number of reforms to local government pension schemes including the way they are governed.
- 2.2 Previously the governance of these schemes was dictated by local government legislation with the Pensions Committee being formulated under S101 of the Local Government Act 1972.
- 2.3 In their current formats, the delegations to Pensions Committee and the Director of Pensions are outlined in pages 91 and 150 of the Council's constitution. These delegations are very light and do not match the detail provided in the terms of reference for other committees but do devolve all responsibility for pensions to these posts.
- 2.4 Due to the changes required under the 2013 Act it is proposed to amend the delegations and to clarify the Committee's terms of reference so as to bring them in line with the other committees.
- 2.5 Consultation on these changes has been undertaken with the Pension Committee and with the District Chief Executives/Finance Officers.

3.0 Amendments

- 3.1 Under the 2013 Act the function of managing and administering pensions remains a S101 function and therefore the current Pensions Committee can remain.
- 3.2 Discussions with the Governance Review Working Party, created by Pensions Committee in June 2014, suggest an amendment to the formation of the Committee in the reduction of numbers. It is proposed to reduce the number by two elected councillors instead appointing those to the Pensions Board. September committee agreed the new structure. This therefore needs amending in the Pension Committee's Terms of Reference.
- 3.3 Further, the 2013 Act requires Administering Authorities to create a Pensions Board whose role will be to assist the decision-making pensions committee. The Act further prescribes how this board is to be formed. Therefore the constitution needs to be amended in order to reflect this legislative requirement.

- 3.4 In considering the role of the Pensions Board, draft terms of reference were produced from recommendations of the Governance Review Working Party and were approved by September Pensions Committee. These are proposed to be inserted into the Council's constitution immediately after the Terms of Reference for Pensions Committee.
- 3.5 It is important to note that these terms of references have been drafted in accordance with current understanding. We have at the time of writing, just received a second round of consultation on the draft regulations together with a consultation on the draft statutory guidance. These do not alter our understanding of the requirements but do provide more detail on the proposed remit of the Pensions Board. The Guidance in particular highlights a number of policies to be drafted to support the legislative requirements and the Fund will be working on these as part of the implementation process going forward.
- 3.6 Pending the final regulations and guidance it is not anticipated that our understanding will change significantly however it is suggested that any amendments to the terms of reference be delegated to Pensions Committee and the Council's monitoring officer to approve and amend the constitution should this be required after Full Council's approval to these amendments in January. Any such delegation will be included in the report to Full Council.
- 3.7 As well as meeting the legislative requirement, there is a duty to ensure that members of the Fund are able to understand the terms of reference and know what processes are in place for the Fund to manage their pension appropriately. These are amendments that extend beyond that required of the legislation and which are inserted for matters of clarity, good governance, efficient operation and to meet the Fund's responsibility to its members.
- 3.8 As such the constitution has been amended to ensure consistency. "West Midlands Metropolitan Authorities Pension fund" has been amended to "West Midlands Pension Fund" and the legislation referring to Pensions has been updated to reflect the Public Service Pensions Act 2013.
- 3.9 In addition the proposed amendments include some additional delegations to the Director of Pensions. These additional amendments are in acknowledgment of the specialised role of the Director of Pensions in managing a £10 billion West Midlands Fund and the additional responsibilities of managing the Integrated Transport Authority Fund together with the staffing difficulties faced (both in recruitment and retention), the reactive nature of the work of the Fund in managing money and resources in-house, together with the ongoing uncertainty of the final regulations yet to be published.
- 3.10 A 'track changed' version of the sections relevant to the significant amendments is attached as Appendix One.

4.0 Financial implications

- 4.1 There are implications with regards the resourcing of these changes however it is felt that this will be picked up as part of ongoing workloads and do not directly impact overall.
- 4.2 The proposed changes to the constitution will further clarify the financial governance and procedural rules that underpin the Fund's ability to operate effectively and efficiently.

5.0 Legal implications

- 5.1 The 2013 Act requires local government pension schemes to have established the Pensions Board by 1 April 2015, that is to have amended their constitutions. Further, Section 37 of the Local Government Act 2000 requires local authorities to have in place a constitution detailing the governance of the authority including those with decision making powers and responsibilities. Failure to adhere to these requirements exposes the Council to significant challenge and potential interference from the Secretary of State.

6.0 Equalities implications

- 6.1 There are no equalities implications

7.0 Environmental implications

- 7.1 There are no environmental implications

8.0 Human resources implications

- 8.1 There are no Human Resources implications

9.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications

10.0 Schedule of background papers

- 10.1 Pension Committee 25 June 2014 Governance Reform report
<http://wolverhampton.moderngov.co.uk>
- 10.2 Pension Committee 24 September 2014 Governance Reform update report
<http://wolverhampton.moderngov.co.uk>
- 10.3 Public Service Pensions Act 2013
<http://www.legislation.gov.uk/ukpga/2013/25/contents/enacted>

Article 11 - JOINT ARRANGEMENTS

11.1 Arrangements to Promote Wellbeing

The Cabinet, in order to promote the economic, social or environmental well-being of its area may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body;
and
- c. exercise on behalf of that person or body any functions of that person or body.

11.2 Joint Arrangements

- a. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below the Cabinet may only appoint Cabinet Members to a Joint Committee and those Councillors need not reflect the political composition of the Council as a whole.

The Cabinet may appoint Councillors to a Joint Committee from outside the Cabinet in the following circumstances:

- the Joint Committee has functions for only part of the area of the authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Cabinet may appoint to the Joint Committee any Councillor who is a Councillor for a Ward which is wholly or partly contained within the area;
 - the Joint Committee is discharging a function in relation to five or more authorities;
 - the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
 - political balance requirements do not apply to such appointments.
- c. Details of any joint arrangements including delegations to Joint Committees will be found in the Council's scheme of delegations in Appendix 1 of this Constitution.

11.3 Access to Information

The Access to Information Rules in Appendix 2 apply to Joint Arrangements.

11.4 Delegation to and from Other Local Authorities

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting **except where it relates to pensions when it shall be reserved to Pensions Committee.**

DELEGATIONS/RESPONSIBILITIES FOR FUNCTIONS

10. DELEGATIONS TO THE PENSIONS COMMITTEE

- 10.1 To exercise all those functions of Wolverhampton City Council which are required to be performed by it in its role as Administering Authority for the Local Government Pension Scheme under the Public Service Pensions Act 2013 (and any associated legislation) adhering to the principles required by the Code of Practice issued by the Pensions Regulator.
- 10.2 Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the Pensions Committee.
The Administering Authority shall at Full Council every year approve the delegation of Scheme Manager under Section 101 of the Local Government Act 1972 to the Pensions Committee and appoint representatives to sit on the Committee for that year.
- 10.3 To exercise all the general powers and duties of the Council granted to the Cabinet and Cabinet Panels and Regulatory or other Committees provided that those parts of the Council's Financial Procedure Rules and Contracts Procedure Rules which relate to the acquisition and disposal of land. Fund Investment transactions, custody of assets, appointment of advisors, approval of expenditure and their related activities, shall not apply in relation to such acquisitions and disposals and expenditure in connection with the Pension Fund.
- 10.4 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- 10.5 To ensure that consideration is given to the impact which the Committee's policies and provision of services have with regard to environmental matters.

10.6 PENSION COMMITTEE TERMS OF REFERENCE

- 10.6.1 The Council's financial procedure rules, contract procedure rules and internal financial limits concerning procurement do not relate to the Pensions Committee who, by delegation from Council, has authority to enter into contracts, procure services, purchase goods and manage financial investment through the internal controls of the West Midlands Pension Fund and in compliance with all applicable legislation.
- 10.6.2 The Pensions Committee may call upon the pension board to seek advice on matters to be discussed at the committee meeting. Where such advice is sought it must be considered as part of the decision making process.
- 10.6.3 Any reference within the Council's constitution that refers to Council or Cabinet and includes powers relevant to the work of the Pensions Committee should be read to include Pensions Committee, including the setting of the Budget and Policy framework of the Fund.

10.6.4 The Pensions Committee shall adhere to the Standing Orders of Wolverhampton City Council and all matters of due process so far as they do not conflict with the preceding delegation.

10.6.5 Membership

10.6.5.1 The membership of the Pensions Committee shall consist of 8 Wolverhampton City Council members, 1 Elected Member from each of the 6 District Councils and 4 trade union representatives.

10.6.5.2 The quorum is 9

10.6.5.3 A substitution for any person appointed to the Pension Committee shall follow the Council's procedure

10.6.5.4 The term of office for a person appointed to the Committee shall be for a period no shorter than one year and no longer than eight years or their term of office (where the person is an elected Councillor, whichever is the shortest). Nomination to the committee shall take a 4 year rotation with one third nominations received in year 1 and one third nominations received in year 3, and so on. This is to ensure a consistency of knowledge within the committee and to assist with the development of knowledge and experience.

10.6.5.5 Should an elected Councillor no longer be a member of their authority, their appointment on the Committee shall cease and a further nomination will be sought from that authority.

10.6.5.6 The Committee shall meet a minimum of quarterly

10.6.5.7 All persons appointed to the Committee will adhere to the Committee's code of conduct

10.6.5.8 In compliance with the legislative requirements of knowledge and understanding, person's appointed to the Committee are expected to make themselves available to attend committee meetings. Person's appointed who fail to attend 3 or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

10.6.6 Chairing the committee

10.6.6.1 It will be the first business of the Committee at its annual meeting to nominate a Chair who will sit for the term of one year.

10.6.6.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

10.6.7 Duties

10.6.7.1 To act as the Scheme Manager for the Administering Authority in the management and administration of the local government pension scheme for the West Midlands.

10.6.7.2 To adhere to the principles set out in the Codes of Practice issued by the Pensions Regulator and undertake it's duties in compliance with the obligations imposed on it.

10.6.7.3 To provide independent assurance to members of the fund of the adequacy of the risk management framework and the associated control environment, responsible for the fund's financial and non-financial performance to the extent that it affects the fund's exposure to risk.

10.6.7.4 To administer all aspects of the West Midlands Pension Fund on behalf of Wolverhampton City Council.

10.6.7.5 To determine staffing structures, changes to vacant posts or the establishment of new posts and to receive reports on matters of staffing and employment of officers within the Fund.

10.6.7.6 To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.

10.6.7.7 To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.

10.6.8 Training

In compliance with the requirements of the Public Service Pensions Act 2013 persons appointed to the Committee shall undertake at least 3 training session per year. The first training session will be organised within 28 days of their appointment to the Committee with subsequent training scheduled after 3 months of appointment and after 9 months of appointment.

10.7 Investment Advisory Sub-Committee

Under Section 101 the Pensions Committee has delegated responsibility for Investments to the Investment Advisory Sub-Committee.

All persons appointed to the Sub-Committee will adhere to the Committee's Code of Conduct.

10.7.1 Membership

- 10.7.1.1 The membership of the Sub committee shall be drawn from the Pensions Committee in proportionate numbers
- 10.7.1.2 The quorum shall be 5
- 10.7.1.3 The substitute for any persons appointed to the Sub Committee shall follow the Council's procedure
- 10.7.1.4 The Sub Committee shall meet a minimum of quarterly
- 10.7.1.5 In compliance with the legislative requirements of knowledge and understanding, person's appointed to the Committee are expected to make themselves available to attend committee meetings. Person's appointed who fail to attend 3 or more events (to include committees and training) will be asked to leave the committee and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee.

10.7.2 Chair

- 10.7.2.1 It will be the first business of the Sub Committee at its annual review to nominate a Chair who will sit for the term of one year.
- 10.7.2.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In the circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

10.7.3 Role

- 10.7.3.1 To advise on the establishing of policies in relation to investment management including the appointment and approval of terms of reference of independent advisers to the Fund.
- 10.7.3.2 To monitor investment activity and the performance of the Fund.
- 10.7.3.3 To oversee the administrative and investment management functions of the Pension Fund.

10.8 DELEGATIONS TO THE PENSION BOARD

- 10.8.1 The Pension Board is to conduct the duties imposed on it under Section 5 of the 2013 Act and associated legislation.
- 10.8.2 To adhere to the Codes of Practice issued by the Pension Regulator.

10.8.3 To assist the Pension Committee, as Scheme Manager, in securing compliance with the legislation relating to the governance of the fund.

10.8.4 Undertake any other duties imposed by the Pension Committee from time to time.

10.8.5 The Pension Board is not a decision making body.

10.8.6 The Pension Board is not a scrutiny function.

10.8.7 The Pension Board will be collectively and individually accountable to the Pensions Committee.

10.8.1 Pension Board Terms of Reference

10.8.1.1 All persons appointed to the Board will adhere to the Committee's Code of Conduct and undertake training as required to ensure they meet the legislative requirement to have the knowledge and understanding required of them to undertake their role.

10.8.1.2 While not a formal committee of Council, meetings of the pension board will be formal occasions to be minuted adhering to the due process and rules of procedure so far as such do not make the business of the board unviable. Business to be conducted by the Pension Board shall be noted on a formal Agenda at least five working days in advance of the meeting. Additional business may be added to the Agenda at a later date with the consent of the Chair. Business not noted on the Agenda may only be considered at the meeting if agreed by majority vote. This is to ensure all information is available and has been read and understood by pension board members.

10.8.1.3 The Pensions Board shall meet a minimum of twice yearly on a bi-annual basis. The ability to call additional meetings rests with the board and with pensions committee, such additional meetings to meet the minimum quorum requirement.

10.8.1.4 Persons appointed to the pensions board have the same right of access to information and documents to be considered as elected members as outlined in the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the The Openness of Local Government Bodies Regulations 2014. Save as all other provisions of these regulations do not apply to the pension board.

10.8.2 Membership

10.8.2.1 The Pensions Board consists of 12 persons made up of 5 employer and 5 member representatives in equal proportion plus 2 Wolverhampton City Council Elected Members. The employer and member representatives will hold the majority.

10.8.2.2 The quorum is 7

- 10.8.2.3 Substitutions for the Pension Board shall be available by representative group not by individual board member. Substitutions will be sought as part of the appointing process. Where substitutions are required to attend the pension board meetings, formal notice of their attendance should be provided to the Fund at least two working days in advance of the meeting to afford the opportunity of papers to be circulated and read.
- 10.8.2.3 The term of office for a person appointed to the Pension Board shall be for a period no shorter than one year and no longer than two rotations of nominations or their term of office (where the person is an elected Councillor, whichever is the shortest). Nomination to the Pension Board shall take a 4 year rotation with one third nominations received in year 2 and one third nominations received in year 4, and so on. Such rotation not to fall in the same year as Pension Committee rotation. This is to ensure a consistency of knowledge within the Pension Board and to assist with the development of knowledge and experience.
- 10.8.2.4 Nominations to the pensions board will be sought from the nominating body group on each occasion as the rotation for appointment arises. Where more than one nomination is received interviews for the vacant position will be held by the Director of Pensions, the Chair of Pensions Committee and one other.
- 10.8.2.5 Person's appointed to the Pensions Board are expected to make themselves available to attend meetings. Person's appointed who fail to attend 3 or more events (to include meetings and training) will be asked to leave the Board and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the pensions board.
- 10.8.2.6 Other than by ceasing to be eligible to sit on the pensions board (to include failure to attend meetings), a person appointed to the pensions board may only be removed from the position during their term of office by majority vote of the pensions board.
- 10.8.2.7 A person appointed to the pensions board may retire their position at any time. In such cases a nomination will be sought from their nominating body.
- 10.8.2.8 The pensions board may take the advice of persons not appointed to the board, such persons may attend meetings of the pension board upon invitation from the chair. The chair not to unreasonably withhold such invitation where requested to invite such persons by the board members.

10.8.3 Chairing the Board

10.8.3.1 It shall be the first business of the Board at its annual meeting to nominate a Chair and a Vice-Chair for that year

10.8.3.2 In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In circumstances where the vote is to appoint a new Chairman, the outgoing Chair will have the casting vote in the event of a tie.

10.8.4 Information

10.8.4.1 Information relating to the work of the pension board (including any relevant minutes) will be published on the fund's website, save where such information is confidential or exempt under Schedule 12A.

10.8.4.2 Information detailing the pensions boards terms of reference shall be published on the fund's website together with the any vacancies as they arise.

G Delegations to the Director of Pensions Services

Function	Limits or restriction on delegation
West Midlands Pension Fund	
G1 The administrative management of matters in connection with the Council's role as administering authority for the West Midlands Pension Fund.	In accordance with the statutory provisions and any determinations of the Pensions Committee.
G2 The investment and general management of the Fund in accordance with the Pensions Committee's investment strategy set out in its policy statement.	Consultation to take place with the Chairman of the Investment Advisory Sub-Committee prior to any major investment decision if it is possible to do so.
G3 To provide services to the West Midlands Integrated Transport Authority Pension Fund.	In accordance with the agreement between the Council and the ITA.
G4 The general delegations to Strategic Directors as they relate to the Council's role as administering body and to the following	
4.1 Financial Administration	In accordance with the Fund's Financial Procedure Rules
4.2 Contracts and tendering	In accordance with the Fund's Contract Procedure Rules
4.3 Management of Human Resources	In accordance with the Fund's employee and staffing schedule and only for Fund staff
4.4 Day to day administration and operational management	In accordance with the Constitution and any specific restrictions or limitations imposed.
4.5 Management of operational land and premises used for service delivery	In accordance with the Fund's financial and contract procedure rules

4.6 Compliance with the Health and Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

In accordance with the Council's Health and Safety policies and procedures.

4.7 Compliance with the Council's equal opportunities policy and relevant legislation

In accordance with the Council's equal opportunities policies and procedures.

4.8 Compliance with the Human Rights Act 1998

4.9 Compliance with the Data Protection Act and the Freedom of Information Act 2000.

4.10 To maintain written delegations for employee responsibility for their Business Units.

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Special Advisory Group

5 November 2014

Report title	Changes to the Constitution	
Cabinet member with lead responsibility	n/a	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Keith Ireland, Delivery	
Originating service	Democratic Services	
Accountable employee(s)	Martyn Sargeant	Head of Democratic Services
	Tel	01902 555043
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Report to be/has been considered by	Standards Committee	8 January 2015
	Council	19 December 2014

Recommendation(s) for action or decision:

The Special Advisory Group is recommended to support revisions to the Constitution for consideration by the Standards Committee and agreement by Council, specifically:

- (1) 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.

- (2) To include the appointment of the Electoral Registration Officer and Returning Officer as one of the functions reserved to the Council.
- (3) To delete F14 (delegations to the Director of Education and Enterprise), which requires planning applications that need a Section 106 agreement to be reported to the Planning Committee.

- (4) 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.

- (5) 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.'

- (6) To change the Proper Officer for the purposes of appointment and/or dismissal of senior employees to be the Chief Legal Officer.
- (7) 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'.
- (8) To amend references to the 'Procurement Code' to read 'Contract Procedure Rules'.
- (9) To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.

1.0 Purpose

- 1.1 This report seeks support for a number of changes to the Constitution, to be considered by the Standards Committee and approved by the Council.

2.0 Background

- 2.1 As part of the iterative approach to maintaining the Constitution, the Constitution Review Group has highlighted a number of changes that need to be made. Some of these are in relation to operational changes within the Council's structures, others reflect changes in regulations and guidance, whilst others simply reflect refinements borne out of experience.

3.0 Changes to the Constitution

Responsibility for electoral functions

- 3.1 Although part of the portfolio for the Cabinet Member for Governance and Performance is to advise the Council in relation to matters pertaining to elections and ward boundaries, there is no specific responsibility to oversee the Council's functions in respect of electoral registration and management of elections. It is therefore proposed to include the following additional responsibility within the portfolio:

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.

- 3.2 It is one of the functions of a local authority to appoint the Returning Officer and the Electoral Registration. This is not currently included in the functions reserved to Council so it is proposed to amend the Constitution accordingly.

Planning

- 3.3 Due to the evolution of working arrangements, it is unnecessarily burdensome to report to Planning Committee all applications that include a section 106 agreement. In addition, there is an existing delegation to the Strategic Director for Education and Enterprise to administer heritage grants but no corresponding Cabinet oversight (which would be the Council's normal practice for grants). It is therefore proposed to:

- (1) Delete F14 (delegations to the Director of Education and Enterprise), which requires planning applications that need a Section 106 agreement to be reported to the Planning Committee.
- (2) 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.

Vehicle leasing charges

- 3.4 The Constitution currently contains a delegation to the Strategic Director in respect of fleet management but this does not include arrangements to cover lease charges. It is therefore proposed to amend the existing wording (E49) to include the additional wording in italics:

'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.'

Proper Officer for senior employee appointments/dismissals

- 3.5 Under a previous management structure, the Proper Officer – as required by the Regulations – for the appointment or dismissal of senior employees was the Assistant Director, Corporate Services. As that post no longer exists, it is proposed that the Proper Officer in future should be the Chief Legal Officer.

Housing capital expenditure and investment delegations

- 3.6 The joint Council/Wolverhampton Homes Asset Management Group takes an overview of the Council's housing stock, considering capital investment and operational decisions. In order to more efficiently manage these arrangements it is proposed 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'. This would be limited in the usual fashion by the Financial Procedure Rules and limits on expenditure.

Other minor changes

- 3.7 A number of other minor changes are proposed as part of regular 'housekeeping':
- To amend references to the 'Procurement Code' to read 'Contract Procedure Rules'.
 - To amend the Financial Procedure Rules to confirm that all expenses must be accompanied by a receipt.

4.0 Financial implications

- 4.1 Some of the proposed changes to the Constitution will impact on financial administration, but there are no actual costs associated with any of the recommendations.

[GE/20102014/C]

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.

[RB/21102014/Q]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from this report, as the changes to be made are not a result of any new policy or operational practice.

7.0 Environmental implications

- 7.1 There are no environmental implications arising from this report.

8.0 Corporate landlord implications

- 8.1 There are no corporate landlord implications arising from this report.

9.0 Human resources implications

- 9.1 There are no human resources implications arising from this report.

10.0 Schedule of background papers

None.

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Special Advisory Group

5 November 2014

Report title	Parent Governor Representatives - amendments to the Constitution	
Cabinet member with lead responsibility	N/a	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Tim Johnson	
Originating service	Democratic Services	
Accountable employee(s)	Earl Piggott-Smith	Scrutiny Officer
	Tel	01902 551251
	Email	earl.piggott-smith@wolverhampton.gov.uk
Report to be/has been considered by	Special Advisory Group	5 November 2014
	Standards Committee	8 January 2015

Recommendations for action:

The Special Advisory Group is recommended to support revisions to the Constitution for consideration by the Standards Committee and agreement 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 representatives 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.

1.0 Purpose

- 1.1 The Council's Constitution has been amended periodically to keep pace with the drive for change and improvement and in response to Government regulations, statute and custom and good practice. The proposed changes are intended to equip and enable parent governor representatives to carry out their responsibilities successfully.
- 1.2 This report seeks support for a number of changes to the Constitution, to be considered by the Standards Committee and approved by the Annual Council meeting.

2.0 Background

- 2.1 The proposed changes are needed to clarify and support the role of parent governor representatives (PGR) who have an important role in representing the parent voice in debates on local education matters.
- 2.2 There is acceptance that the role of local authority PGRs is both challenging and complex and therefore clearer guidance would help to make them more effective in their role.
- 2.3 As part of the ongoing process of reviewing and modernising the Constitution a number of changes are needed to reflect good practice and bring existing procedures into line with regulations.
- 2.4 The current position is that the Council can appoint a maximum of five voting parent governor representatives to the Children and Young People Scrutiny Panel. There are currently two vacancies for parent governor representatives.
- 2.5 The proposed changes are detailed below, if agreed, this will mean that when the term of office for the current parent governor expires in March 2015, then the vacancy will not be filled; as the maximum number of parent governor representatives will have been reduced to two.

3.0 Changes to the Constitution

Role of local authority parent governor representatives

- 3.1 The Constitution does not make explicit the expectations of the people elected as local authority PGR, particularly their role and responsibilities. A copy of the proposed addition is attached as appendix A

Eligibility to become a parent governor representative

- 3.2 Statutory guidance and supporting guidance published by Centre for Public Scrutiny detail the criteria to be met in order to be appointed as a local authority PGR. The changes to the Constitution are needed to support wider changes to strengthen the role

and effectiveness of school governors in maintained schools by making the process transparent. A copy of the proposed addition is attached as appendix B.

Election of parent governor representatives

- 3.3 There is a need to formalise current practice when seeking to appoint to a vacancy. The proposed changes reflect statutory guidance and good practice. A copy of the proposed amendments is attached as appendix C.

Councillors Code of Conduct

- 3.4 At present only Councillors are required to sign and abide by the Councillor Code of Conduct. To reflect best practice all co-opted members appointed to Children and Young People Scrutiny Panel should also be required to sign and abide by the Councillor Code of Conduct. A copy of the proposed amendments is attached as appendix D.

Disqualification of parent governor representatives

- 3.5 The Constitution makes no reference to the circumstances where a local authority parent governor representative can be disqualified for not attending panel meetings. The change will ensure clarity on this matter. A copy of the proposed amendments is attached as appendix E

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendations in this report.
[GE/21102014/L]

5.0 Legal implications

- 5.1 The proposed changes to the Council's Constitution are aimed at complying with the requirements of the Parent Governor Representatives (England) Regulations 2001 and national guidance parent governor representatives on local authority scrutiny committees (2005) published by the Centre for Public Scrutiny.
[RB/23102014/Z]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from the recommendations in this report.

7.0 Environmental implications

- 7.1 There are no environmental implications arising from the recommendations in this report.

8.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications arising from the recommendations in this report.

10.0 Schedule of background papers

- 10.1 Council report - 4 June 2014 - The Appointment of Executive, Scrutiny and Regulatory Bodies, Appendix 3 Appointment of Scrutiny Board and Scrutiny Panels 2013/14, Council

Appendix A Description of the role and responsibilities of a local authority parent governor representatives

The overall role of parent governor representatives (PGR) is to represent parents and not parent governors and to hold the authority to account for education policy and decision-making.

The responsibilities of the PGR are listed below:

- act as an apolitical voice for parents in the area; representing to the local education authority the main education issues which concern parents of pupils in schools maintained by the authority
- PGRs are not expected to represent the views of all parents across the local authority through any sort of delegated mandate. However, there is an expectation that as best you can that you remain in touch with your wider constituency in order that you can reflect diverse views.
- liaise with the other PGRs on the Children and Young People Scrutiny Panel.
- attend and contribute to the Children and Young People Scrutiny Panel to which they have been appointed
- establish good relations with other Councillors members and officers
- feedback discussions of and decisions on education matters from the Children and Young People Scrutiny Panel to parents
- sign and abide by the Councillor Code of Conduct
- act with due propriety according to standards laid down for conduct in local government.

Appendix B Eligibility criteria for local authority parent governor representatives

Any parent governor (who is still a parent of a child in a maintained school within the authority and be the parent of a registered pupil educated at a school maintained by the local authority **at the time of election**) can stand for election, even if they only have a short time left to serve.

Employees of the local authority, at any of its schools and local councillors are not eligible to apply.

A parent governor representatives (PGR) can only be a representative in one local authority at any one time.

If a person resigns or is disqualified as a PGR or they become a local councillor or member of school staff they will not be eligible to apply for a vacancy.

A person will not be disqualified if their term of office as a parent governor comes to an end in the normal way, or they cease to be a parent governor of the school due to changes to the constitution of the governing body or the closure of the school.

It is the responsibility of parent governor representatives to inform the local authority of any circumstance which they believe disqualifies them from office.

Where there is a disqualification (or a PGR cannot complete the term of office for some other reason) the local authority can decide whether to appoint a successor for the unexpired portion of the term or for a full term. In any event when there is a vacancy (mid or full-term) an election should be held within six months.

Ref: The Parent Governor Representatives (England) Regulations 2001

Appendix C Election of local authority parent governor representatives

The Council is responsible for making all the necessary arrangements for and to determine all other matters relating to the holding of an election of a local authority parent governor representative.

The Council will appoint a returning officer to ensure that as far as possible that the election of a PGR is conducted fairly and complies with the requirements detailed below

- 4.—(1) A local education authority shall make all the necessary arrangements for, and determine all other matters relating to, the holding of an election of a parent governor representative but nothing in this regulation shall prevent an authority from appointing another body to conduct or oversee that election.
- (2) A local education authority may make arrangements—
- (a) dividing parent governor representatives into different categories representing
 - (i) particular types of school, or
 - (ii) maintained schools in a particular area; and
 - (b) where they have done so, restricting the electorate for each such category to parent governors of the same type of school or parent governors of maintained schools in that area (but they need not do so).
- (3) Where a vacancy for a parent governor representative is required to be filled by election the local education authority shall announce that vacancy and at the time of that announcement shall—
- (a) appoint a returning officer who shall ensure that so far as possible the election is conducted fairly;
 - (b) take such steps as are reasonably practicable to secure that every person who is known to them to be eligible to vote in the election of a parent governor representative is—
 - (i) informed of the vacancy and that it is required to be filled by election;
 - (ii) informed that he is entitled to vote at the election;
 - (iii) informed of any arrangements made in respect of the election under regulation 4(2)
 - (iv) informed of the details of the electoral timetable and procedures;
 - (v) informed of the qualifications which a person requires in order to be elected as a parent governor representative, and of the term of office of a parent governor representative; and
 - (vi) provided with a description of the role of a parent governor representative.

(4) Any election of a parent governor representative which is contested shall be held by secret ballot.

(5) No ballot paper in such an election shall contain any indication of an affiliation with a political party.

(6) Where a vacancy for a parent governor representative arises, the local education authority shall—

(a) determine, for the purposes of the election, any question as to a person's entitlement to vote or eligibility to stand for election;

(b) provide for every person who is eligible to vote in the election to have an opportunity to do so by post;

(c) secure that the results of the election are announced not more than one week after the date of the election, and not more than three months after the announcement of the vacancy.

(7) Where a vacancy remains unfilled because no, or not enough, candidates seek election, the local education authority shall comply with the requirements of this regulation again within one year of the original vacancy having arisen and at six monthly intervals thereafter, calculated from the first anniversary of the original vacancy having arisen, until the vacancy is filled.

(8) Nothing in these Regulations shall require a ballot to be held if the number of vacancies to be filled is equal to or exceeds the number of candidates for election.

Reference: Parent Governor Representatives (England) Regulations 2001.

The Council will appoint a maximum of two local authority parent representatives to the Children and Young People Scrutiny Panel.

Parent Governors are appointed for a period of two years following their election. The start date for the term of office will be not more than one month after the announcement of the election result.

Appendix D Code of Conduct for Councillors and Co-opted Members appointed at annual Council.

The Constitution to be amended to include a specific paragraph that requires PGR to sign up to Councillor Code of Conduct as a condition of their appointment to the Children and Young People Scrutiny Panel at Annual Council.

Appendix E Disqualification of parent governor representatives

The Chair of the Children and Young Panel has the discretion to disqualify a parent governor representative who does not attend panel meetings for a period of six months.

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