



# Standards Committee

27 March 2015

**Time** 1.30 pm      **Public Meeting?** YES      **Type of meeting** Oversight  
**Venue** Committee Room 4 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

## Membership

**Chair** Cllr Ian Brookfield (Lab)  
**Vice-chair** Cllr Andrew Wynne (Con)

### Labour

Cllr Julie Hodgkiss  
Cllr Peter O'Neill

### Conservative

### Liberal Democrat

Cllr Richard Whitehouse

Quorum for this meeting is two Councillors.

## Information for the Public

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

**Contact** Linda Banbury  
**Tel/Email** Tel: 01902 555040 Email: [linda.banbury@wolverhampton.gov.uk](mailto:linda.banbury@wolverhampton.gov.uk)  
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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.moderngov.co.uk>  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

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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

*Item No.*    *Title*

### **BUSINESS ITEMS**

- 1            **Apologies for absence**
- 2            **Declarations of interest**
- 3            **Minutes of previous meeting - 8 January 2015** (Pages 3 - 6)  
              [For approval]
- 4            **Matters arising**  
              [To consider as necessary]

### **DECISION ITEMS**

- 5            **Changes to the Constitution** (Pages 7 - 18)  
              [To agree revisions to the Constitution for approval by Council]



# Standards Committee

## Minutes - 8 January 2015

### Attendance

#### Members of the Standards Committee

Cllr Ian Brookfield (Chair)  
Cllr Andrew Wynne (Vice-Chair)  
Cllr Peter O'Neill  
Cllr Richard Whitehouse

#### Employees

Carl Craney	Democratic Support Officer
Rachel Howe	Head of Governance - West Midlands Pension Fund
Keith Ireland	Managing Director
Earl Piggott-Smith	Scrutiny Officer

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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1 Apologies for absence**  
An apology for absence had been received from Cllr Julie Hodgkiss.
- 2 Declarations of interest**  
No declarations of interest were made relative to items under consideration at the meeting.
- 3 Minutes of previous meeting**  
Resolved:  
That the minutes of the meeting held on 23 October 2014 be confirmed as a correct record and signed by the Chair.
- 4 Matters arising**  
With reference to Minute No. 4, Cllr Richard Whitehouse drew to the attention of the Committee that the requested report on the revocation of honorary titles had yet to be presented.  
  
Resolved:  
That a report on the revocation of honorary titles be submitted to the next meeting of the Committee.

5 **Parent Governor Representatives - Amendments to the Constitution**

Earl Piggott-Smith presented a report which set out various suggested amendments to the Constitution in respect of various matters pertaining to Parent Governor representatives serving on the Children and Young People Scrutiny Panel.

Resolved:

That the Council be recommended to approve the following revisions to the Constitution, 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 to 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 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 and Vice Chair of the Children and Young People Scrutiny Panel in consultation with the Director of Governance, be disqualified if they do not attend panel meetings for a period of six months.

[The wording of the suggested amendments are detailed in Appendices A – E to these minutes]

6 **Local Government Pension Scheme Governance Reform**

Rachel Howe presented a report which updated the Committee on the work undertaken to date by the West Midlands Pension fund in seeking its compliance

with legislative changes. The report sought approval to amend the Council's Constitution in line with legislative requirements which were ancillary to those functions and those which provided good governance.

Keith Ireland suggested that the Directors of Finance from across the districts be invited to attend as observers to meetings of the Pension Board and that they be invited to speak on matters under consideration.

Resolved:

1. That the Council be recommended to amend the Constitution insofar as it related to the governance arrangements of the Local Government Pension Scheme as administered by the Council under delegation to the Pensions Committee, specifically:
  - a) Those amendments required to the Constitution under the Public Service Pensions Act 2014;
  - b) Those amendments which are ancillary to those required under the Public Service Act 2013;
  - c) Those amendments requested in order to facilitate good governance and efficient operation of the West Midlands Pension Fund;
2. That consideration be given by the Pension Committee and Strategic Director of the West Midlands Pension Fund to the suggestion presented by Keith Ireland.

[The suggested amendments are set out as an appendix to these minutes]

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# Special Advisory Group

18 March 2015

## Standards Committee

27 March 2015

<b>Report title</b>	Changes to the Constitution	
<b>Cabinet member with lead responsibility</b>	n/a	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	n/a	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Corporate Administration	
<b>Accountable employee(s)</b>	Martyn Sargeant	Group Manager – Corporate Administration
	Tel	01902 555045
	Email	<a href="mailto:martyn.sargeant@wolverhampton.gov.uk">martyn.sargeant@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Constitution Review Group	12 March 2015
	Special Advisory Group	18 March 2015
	Council	1 April 2015

### Recommendation(s) for action or decision:

Standards Committee is recommended to agree revisions to the Constitution for approval by Council, specifically:

- (1) To make amendments to job titles and responsibilities to reflect the Council's recent senior management restructuring, particularly:
  - (a) To remove references to the role of Chief Executive, replacing it with 'Head of Paid Service'.
  - (b) To remove references to the role of Strategic Director - Education and Enterprise, replacing it with 'Strategic Director for Place'.
  - (c) To remove references to the role of Strategic Director - Community, replacing it with 'Strategic Director for People'.
  - (d) To remove references to the role of Assistant Director (Finance), replacing it with 'Director of Finance'.

- (e) To remove references to the role of Chief Legal Officer, replacing it with 'Director of Governance'.
  - (f) To amend the section on management structure to reflect revised arrangements.
- (2) To amend the budget and policy framework documents listed in the glossary.
  - (3) To remove the requirement for Standards Committee to consider proposed changes to the Constitution.
  - (4) To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.
  - (5) To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.
  - (6) To include within the portfolio of the Cabinet Member for Governance and Performance, responsibility for oversight of the Electoral Services functions, working with the Returning Officer/Electoral Registration Officer.
  - (7) To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.
  - (8) To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.
  - (9) To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.
  - (10) To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.
  - (11) To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.
  - (12) To include a summary of the indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.
  - (13) To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.

## 1.0 Purpose

1.1 This report seeks support for a number of changes to the Constitution for approval 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

3.1 The table below briefly summarises the proposed changes and the reasons for them:

Rec.	Proposed change	Rationale
1	Amendments to job titles and details of the Council's senior management structure.	To reflect recent changes to the Council's senior management structure.
2	To amend the budget and policy framework documents listed in the glossary.	To reflect the most up-to-date list of the Council's policy and strategy documents.
3	To remove the requirement for Standards Committee to consider proposed changes to the Constitution.	Changes to the Constitution are currently considered by the Constitution Review Group (employee forum) and then by Councillors at Special Advisory Group, Standards Committee and Council. Removing the requirement of consideration by Standards Committee will help streamline the process.
4	To remove the requirement for the Monitoring Officer to make paper copies of the Constitution available, other than at the Civic Centre or in response to specific requests.	With ease of access to the internet, provision of paper copies is felt to be an unnecessary expense given the lack of demand.
5	To include a delegation to the Leader of the Council to approve permanent changes to the membership of Scrutiny Panels and other committees part way through a municipal year.	This was agreed by Council in 2012/13 and should have been included in a previous iteration of the Constitution.
6	To include within the portfolio of the Cabinet Member for Governance and Performance, responsibility for oversight of the Electoral Services	This identifies a lead Cabinet Member for this service area.

	functions, working with the Returning Officer/Electoral Registration Officer.	
7	To delete from the Cabinet (Resources) Panel's delegations responsibility to agree bids for external funding.	This removes a contradiction with the Financial Procedure Rules, which provide for the authorisation of bids by the Section 151 Officer.
8	To include a delegation to the Head of Paid Service to appoint a Deputy Electoral Registration Officer.	It is now considered good practice to appoint a Deputy Electoral Registration Officer, to support the Electoral Registration Officer and oversee the day-to-day management of the Register of Electors.
9	To include a delegation to the Strategic Director for People to accept guardianship applications under the Mental Health Act 1983.	There is no specific provision for this within the Constitution, despite it being a regular occurrence. Given the potentially sensitive nature of such situations, a specific delegation is thought to be warranted.
10	To amplify the delegation to the Strategic Director for Place in respect of planning enforcement, including additional wording 'including in relation to listed building and conservation areas, advertisement control including discontinuance notices, and serving section 215 notices'.	This clarifies the particular responsibilities of the Strategic Director in respect of planning enforcement activity.
11	To include within the delegations to the Strategic Director for Place the power to enter into agreements under s111 of the Local Government Act 1972.	Under s111 'a local authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions'. Such provision is not currently articulated in the Constitution and would be useful, for example, where the Council is landowner and where planning permission is required subject to a section 106 planning agreement but the Council cannot enter into the s106 because it would be entering into an agreement with itself so uses a s111 instead to require the developer to comply with the planning obligations.
12	To include a summary of the indemnity provided to employees in the event of a claim being made against them arising from their work on behalf of the Council.	Although there are longstanding policies covering these issues, they are not included within the Constitution so it is proposed to include an appropriate summary within the relevant section.

13	To include a delegation to the Monitoring Officer to amend the Constitution to reflect changes in the Council's senior management structure.	Senior management structures are approved by the Cabinet/Council with director level appointments made by Councillors, so this proposal enables the Monitoring Officer to reflect such decisions in the Constitution.
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#### **4.0 Financial implications**

- 4.1 There are recommendations that refer to financial procedures, but no additional costs or savings arise from the proposed changes.  
[GE/10032015/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/10032015/W]

#### **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

<b>Report title</b>	Changes to the Constitution	
<b>Cabinet member with lead responsibility</b>	n/a	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Keith Ireland, Delivery	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee(s)</b>	Martyn Sargeant	Head of Democratic Services
	Tel	01902 555043
	Email	martyn.sargeant@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Standards Committee Council	Date to be confirmed 19 December 2014

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### 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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