

Special Advisory Group

17 March 2017

Time 9.00 am **Public Meeting?** Yes **Type of meeting** Advisory group

Venue Committee Room 4 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Andrew Johnson (Lab)

Labour

Cllr Mary Bateman
Cllr Milkinderpal Jaspal
Cllr Roger Lawrence
Cllr Elias Mattu
Cllr Rita Potter
Cllr Stephen Simkins

Conservative

Cllr Paul Singh
Cllr Wendy Thompson

Liberal Democrat

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:

Website <http://wolverhampton.moderngov.co.uk>
Email 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

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interests |
| 3 | Minutes of the previous meeting (13 January 2017) (Pages 3 - 6)
[For approval] |
| 4 | Matters arising
[To consider any matters arising from the minutes of the previous meeting] |

DECISION ITEMS

- | | |
|---|--|
| 5 | Changes to the Constitution (Pages 7 - 16)
[To consider revisions to the constitution for approval by the Council] |
| 6 | Development of the Constitution (Pages 17 - 20)
[To receive an outline of the process for developing the Constitution] |

Special Advisory Group

Minutes - 13 January 2017

Attendance

Members of the Special Advisory Group

Cllr Andrew Johnson (Chair)
Cllr Mary Bateman
Cllr Milkinderpal Jaspal
Cllr Roger Lawrence
Cllr Rita Potter
Cllr Stephen Simkins
Cllr Paul Singh
Cllr Wendy Thompson

Employees

Dereck Francis	Democratic Support Officer
Mike Hooper	Interim Democratic Support Officer
Martyn Sargeant	Head of Democratic Services

Part 1 – items open to the press and public

Item No. Title

- 1 **Apologies for absence**
Apologies for absence were submitted on behalf of Cllr Milkinder Jaspal.
- 2 **Declarations of interests**
No declarations of interests were made.
- 3 **Minutes of the previous meeting (21 October 2016)**
Resolved:
That the minutes of the meeting held on 21 October 2016 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 **Community Governance Review - draft consultation document**
Further to the discussion at the last meeting Martyn Sargeant, Head of Democratic Services presented a draft of the document that would form the basis of consultation with residents and other interested parties, which would constitute the critical work at the heart of the community governance review.

Cllr Andrew Johnson commented that the draft consultation document was balanced and when the design was completed by the Council's Communications team it would read well. He sought the views of the Group on the text of the draft.

Cllr Rita Potter asked whether the two community meetings would be sufficient for the engagement within Tettenhall. The Head of Democratic Services reported that this question had been considered. It was suggested that the Council engage with existing groups within the area but that it might lead to more meetings. The position would be kept under review.

Cllr Andrew Johnson suggested that there might be one public meeting then meetings with individual groups. If there were geographical issues in the area more consultation meetings could be held.

Cllr Wendy Thompson reported that the two critical issues for the Tettenhall community governance review would be the services to be taken up and the annual precept. Regarding the consultation questions, Cllr Thompson stated that the Tettenhall Neighbourhood Forum was determined in its view and would be taking on a leadership role during the review. She added that the Chair and Vice-Chair of the Neighbourhood Forum were grateful for the help and cooperation they had received from Council employees.

Resolved:

1. That the draft consultation document for the Community Governance Review be approved.
2. That authority be delegated to the Chair of the Special Advisory Group in consultation with Cllr Wendy Thompson to sign-off the final document for circulation to residents and other relevant parties.

6 **Community Governance Consultation Approach**
Martyn Sargeant, Head of Democratic Services tabled a document on an overview of the consultation arrangements for the Tettenhall community governance review and the wider review for the whole of the city.

Cllr Andrew Johnson asked the Group whether it felt that the proposed two community meetings was sufficient for the Tettenhall community governance consultation.

Cllr Wendy Thompson reported that the flexibility the Head of Democratic Services had mentioned was useful but initially two meetings for liaison with the Neighbourhood Forum would be beneficial. In relation to the city wide community governance consultation, Cllr Thompson commented that it was right that the emphasis of this consultation was about the community and that the consultation questions reflected this.

The Head of Democratic Services reported that he would be happy to attend a Community Council event that is organised.

Cllr Roger Lawrence made the point that at this stage the Council was embarking on a consultation exercise, the outcome of which would determine whether another consultation was undertaken.

Responding a question on how the Council would select the independent market research company to carry out a survey of residents, the Head of Democratic Services reported the Council would go out to tender to professional organisations.

Resolved:

That the approach for the Tettenhall Community Governance consultation and the City-wide Community Governance consultation be approved.

- 7 **Calendar of Meetings 2017 - 2018**
The Advisory Group received for consideration the draft calendar of meetings for the forthcoming municipal year.

Resolved:

That the political groups on the Council be consulted on the calendar of meetings and thereafter the schedule be submitted to Full Council on 1 February 2017 for approval.

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Special Advisory Group

17 March 2017

Report title	Changes to the Constitution	
Cabinet member with lead responsibility	Councillor Milkinder Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Governance	
Accountable employee(s)	Colin Parr	Head of Governance
	Tel	01902 555043
	Email	Colin.parr@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The Advisory Group recommends that Council:

1. Note revisions to the Constitution, specifically:
 - a. To amend the petitions scheme in line with the revised petitions scheme.
 - b. To remove reference to the Petitions Committee following the dissolution of the Petitions Committee.
 - c. To amend terms of reference for the Pensions Committee as detailed in Appendix A.
 - d. To amend the delegations to the West Midlands Joint Committee as detailed in Appendix B.
 - e. That the delegations for officers be updated to reflect changes in responsibilities.
 - f. To amend the Councillors' allowances scheme to state West Midlands Combined Authority related expenses can be claimed.

1.0 Purpose

1.1 This report outlines the changes made 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. The Director of Governance is authorised in the Constitution to make amendments where it is administratively convenient to do so to reflect changes in legislation or organisational restructures.

3.0 Changes to the Constitution

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

Section	Proposed	Rationale
Article 4 – The Full Council Section 4.2 (n)	'Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Full Council Meetings set out in Part 3.'	As agreed by Council at their meeting on 9 November 2016.
Article 7 – Overview and Scrutiny Arrangements Section 7.1 Terms of Reference, Scrutiny Board (Corporate), 1.1 Scope	'The co-ordination of the work of the Scrutiny Panels, Scrutiny Review Groups, Member Champions and Scrutiny Inquiries. Scrutiny of the work of the Cabinet. To consider any call-ins received under the Council's call-in procedures. To consider petitions containing 2,500-4,999 signatures.'	As agreed by Council at their meeting on 9 November 2016.
Article 7 – Overview and Scrutiny Arrangements Section 7.1 Terms of Reference, Scrutiny Board (Corporate), 1.2 Terms of reference, (k)	'The Board or another relevant scrutiny panel will consider any petition that contains 2,500-4,999 signatures with a view to making recommendations for action by employees or review by the Executive as appropriate.'	As agreed by Council at their meeting on 9 November 2016.

Part 2 – Delegations /Responsibility for Functions Section 5 - Functions Reserved to Full Council, 5.15	‘Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Council Meetings set out in Part 3.’	As agreed by Council at their meeting on 9 November 2016.
Part 2 - Protocol for Dealing with Petitions at Full Council Meetings, Sections 39 – Approach to Dealing with Petitions at Council Meetings, (a)	‘Where a Petition contains more than 52,0500+ signatures, the Council’s Constitution provides for the matter to be debated by Full Council.’	As agreed by Council at their meeting on 9 November 2016.
Part 2 – Delegations /Responsibility for Functions, Section 13 – Delegations to the Petitions Committee	Removal of Section 13, Delegations to the Petitions Committee. Removal of references to the Petitions Committee throughout the Constitution.	As agreed by Council at their meeting on 16 May 2016.
Part 2 – Delegations /Responsibility for Functions, Section 10 – Delegations to the Pension Committee	That the Terms of Reference for the Pensions Committee be amended as suggested in Appendix A to this report.	To reflect changes to the LGPS Investments Regulations and as agreed by the Pensions Committee at their meeting on 7 December 2016.
Part 2 – Delegations to the West Midlands Joint Committee	That the delegations for the West Midlands Joint Committee be amended as detailed in Appendix B.	As agreed by the West Midlands Joint Committee.
Part 2 – Delegations to the Strategic Director of People	That delegations to the Strategic Director of People be updated.	To reflect changes in responsibilities.
Part 2 – Delegations to the Strategic Director of Place	That delegations to the Strategic Director of Place be updated.	To reflect changes in responsibilities.
Part 2 – Delegations to the Service Director of Public Health	That delegations to the Service Director of Public be updated.	To reflect changes in responsibilities.

Part 2 – Councillors’ Allowances Scheme	‘For the avoidance of doubt shall include attendance at a meeting of the West Midlands Combined Authority’	To provide clarity on expenses in relation to the West Midlands Combined Authority.
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4.0 Financial implications

4.1 There are no financial implications arising from the recommendations in this report.
[GE/02032017/I]

5.0 Legal implications

5.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare and publish a Constitution which contains its standing orders relating to decision-making, finance and contracts. The Council is also required to keep its Constitution updated. The Director of Governance is authorised under the constitution to make amendments which more accurately reflect legislative and organisational changes.
[RP/08032917/S]

6.0 Equalities implications

6.1 There are no equalities implications arising from this report.

7.0 Environmental implications

7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications arising from this report.

10.0 Schedule of background papers

10.1 N/A

PENSIONS COMMITTEE

TERMS OF REFERENCE

DELEGATIONS TO THE PENSION COMMITTEE

1. To exercise all those functions of City of Wolverhampton 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 Statutory Guidance and the Code of Practice issued by the Pensions Regulator.
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.
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.
4. To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
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.

PENSIONS COMMITTEE TERMS OF REFERENCE

6. 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.

7. The Pensions Committee may call upon the Pensions Board to seek assistance on matters to be discussed at the committee meeting. Where such assistance is sought it must be considered as part of the decision making process.
8. 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.
9. The Pensions Committee shall adhere to the Standing Orders of City of Wolverhampton Council and all matters of due process so far as they do not conflict with the preceding delegation.

MEMBERSHIP

10. The membership of the Pensions Committee shall consist of ten City of Wolverhampton Council members, one Elected Member from each of the six District Councils and four (non-voting) trade union representatives.
11. The quorum is eight.
12. A substitution for any person appointed to the Pension Committee shall follow the Council's procedure.
13. 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.
14. The Committee shall meet a minimum of quarterly.
15. All persons appointed to the Committee will adhere to the Committee's code of conduct.
16. Persons sitting on the Committee are expected to make themselves available to attend committee meetings. Persons who fail to attend three 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.

CHAIRING THE COMMITTEE

17. It will be the first business of the Committee at its annual meeting to receive nominations of a Chair and Vice Chair from Full Council who will sit for the term of one year.
18. 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.

DUTIES OF THE PENSION COMMITTEE

19. The Pensions Committee to act as the Pension Scheme Manager for the Administering Authority in the management and administration of the local government pension scheme for the West Midlands.
20. To adhere to the principles set out in the Statutory Guidance and Codes of Practice issued by the Scheme Advisory Board and the Pensions Regulator and undertake its duties in compliance with the obligations imposed on it.
21. 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.
22. To administer all aspects of the West Midlands Pension Fund on behalf of City of Wolverhampton Council and the West Midlands Integrated Transport Authority Pension fund under S101 Local Government Act 1972 delegation from the Combined Authority.
23. 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.
24. To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
25. To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.
26. To monitor investment activity and the performance of the Fund(s)

27. The selection, appointment and dismissal of an investment pool operator to manage the assets of the Fund
28. To determine the asset allocation/investment strategy of the WMPF/WMITA Pension Fund
29. Determining what the Fund requires the pool to provide to enable it to execute its investment strategy effectively
30. Receiving and considering reports and recommendations from the Joint Committee in relation to LGPS Central Ltd
31. Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling
32. Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively
33. Receiving recommendations from the Practitioners Advisory Forum on the performance and management of LGPS Central Ltd
34. Reviewing and agreeing the Investment Strategy Statement, Fund Strategy Statement, Administration Policy, Pension Administration Strategy, Governance Compliance Statement, Communications Statements and publish a Pension Fund Annual Report

TRAINING

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

14. DELEGATIONS TO THE WEST MIDLANDS JOINT COMMITTEE

- 14.1 The Council is a member of the West Midlands Joint Committee which comprises the seven District Councils within the County of the West Midlands. The Joint Committee is a Joint Committee for the purposes of Part VI of the Local Government Act 1972. The appointment of Councillors to the Joint Committee and the proceedings of the Joint Committee are governed by the constitution of the Joint Committee. The Joint Committee represents the interests of the District Councils at a national level including joint bidding for resources.
- 14.2 The Joint Committee exercises the following functions on behalf of the Council:
- a) To make nominations or appointments as the case may be to the 5 balancing places of the West Midlands Police and Crime Panel
 - b) In relation to Birmingham Airport, to:-
 - 14.2.1(i) determine the exercise of the Districts' powers and rights as shareholders of the Company including the manner in which the Districts' block shareholder vote is to be exercised;
 - (ii) determine the manner in which the block vote is to be cast by any of the Districts' Directors.
 - (iii) determine the exercise of rights and performance of obligations, warranties, indemnities and covenants contained in the Investment Agreement and Taxation Deed relating to the restructuring of the Airport;
 - (iv) appoint and remove the Districts' Directors on the Board and appoint appropriate officers as Districts' Observers to attend Board meetings and support the District Directors.
 - 14.2.2 The delegation of powers by the Districts to the Joint Committee in clause 2.1 shall be subject to a condition that all resolutions of the Joint Committee or any Sub-Committee appointed by the Joint Committee shall be passed by a majority of the members present who between them represent Districts who hold at least 51% of the Districts' total shareholding.
 - 14.2.3 The Joint Committee may arrange for the discharge of their functions by a Sub-Committee subject to the same condition set out in clause 2.2.
 - 14.2.4 The Joint Committee may arrange for the discharge of their functions subject to the condition set out in clause 2.2 by each of the Districts' Chief Executives or anyone authorized by any District to act in the Chief Executive's absence acting in consultation with the Chair or Vice Chair of the Joint Committee.
- 14.3 To consult and co-operate as respects matters affecting the District Councils (including the Duty to Cooperate and as appropriate with each District Council and the Joint Authorities.
- 14.4 To receive reports from any partnership

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Special Advisory Group

17 March 2017

Report title	Development of the Constitution	
Cabinet member with lead responsibility	Councillor Milkinder Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Governance	
Accountable employee(s)	Colin Parr	Head of Governance
	Tel	01902 550105
	Email	Colin.parr@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

Special Advisory Group is recommended to:

To note the process for developing the Constitution.

1.0 Purpose

- 1.1 The purpose of this report is to provide an outline of the process for developing the Constitution.

2.0 Background

- 2.1 The current Constitution is modelled on the guidance that was given to councils following the introduction of the Local Government Act 2000. It subsequently has been through several iterations and has been amended and updated to reflect the developing needs of the Council.

3.0 Process

- 3.1 The Constitution now needs to be refreshed so that it is a logical and ordered document that reflects accurately the practices of the Council, supports the better governance of the Council and incorporates best practice.
- 3.2 To review the current financial key decision threshold and compare against the other six West Midlands Metropolitan Councils.
- 3.3 To review Individual Executive Decision Notices to ensure the arrangements allow officers to undertake their day to day duties effectively and that Cabinet Members are not signing off decisions which are classified as business as usual. Cabinet Members will be briefed on any proposed changes.
- 3.4 The development of the Constitution will be carried out in house by Democratic and Legal Services. The majority of the work will be carried out over the summer period when there are no meetings scheduled to take place.
- 3.5 It is envisaged that the work will be completed in readiness for Council in November 2017.

4.0 Financial implications

- 4.1 There are no financial implications arising from this report. Work on the development of the constitution is to be carried out using existing resources within the Governance Division.
[GE/02032017/S]

5.0 Legal implications

- 5.1 The Council is required by the Local Government Act 2000 ('the Act') to have a Constitution and under S9P of the Act the Council is under a duty to prepare and keep up to date its constitution. It is essential for the effective and consistent governance of the Council.
[RP/08032917/W]

6.0 Equalities implications

6.1 There are no equalities implications arising from this report.

7.0 Environmental implications

7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

8.1 There are no human resources implications arising from this report.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications arising from this report.

10.0 Schedule of background papers

10.1 There are no background papers.

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