



Standards Committee

1 May 2014

Report title	Amendments 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
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Report to be/has been considered by	Special Advisory Group	24 April 2014
	Council	4 June 2014

Recommendation(s) for action or decision:

The Standards Committee is recommended to approve revisions to the Constitution for agreement by Council, specifically:

- (1) To revise the petitions protocol.
- (2) To amend the Council procedure rules.
- (3) To reissue the recording and filming of meetings protocol, to include provisions in relation to social media.
- (4) To delegate responsibility for approval of overseas trips by employees, where there are no costs to the Council, to strategic directors.
- (5) To move responsibility for most housing support services from Community directorate to Education and Enterprise.
- (6) To amend the delegations to the Audit Committee.
- (7) To remove references to shadow chairs.
- (8) To change the arrangements for hearing human resources appeals.
- (9) The revised Planning code of conduct for Councillors and employees.

1.0 Purpose

- 1.1 This report seeks support for a number of changes to the Constitution, to be approved by the Annual Council meeting.

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

Petitions protocol

- 3.1 The experience of both Councillors and petitioners in the consideration of petitions over the past year has highlighted a number of areas where the existing protocol could be refined, particularly to ensure clarity of process. The draft changes were reviewed and supported by the Council Meetings and Public Engagement Advisory Group. The revised protocol is attached as appendix A to the report.

Council procedure rules

- 3.2 As with the petitions protocol, the procedure rules for the conduct and management of Council meetings have been amended to ensure clarity of process. A copy of the proposed amendments is attached as appendix B.

Filming and recording protocol

- 3.3 Since the existing protocol was last reviewed, there has been a significant amount of publicity relating to the issue of, particularly, members of the public filming or recording during public meetings. This has triggered guidance from the Department for Communities and Local Government providing a clear expectation that such activity should be permissible, even encouraged, within the bounds of reasonable propriety. The protocol has been updated in the light of this, to provide guidance for the public about what is acceptable and to enable Councillors, particularly chairs of committees, to manage meetings appropriately.
- 3.4 Over the same period, there has also been a significant increase in the volume of social media activity. The Council itself has increased its Facebook and Twitter output in relation to key meetings. The protocol has been amended to reflect these changes.

- 3.5 The revisions to the protocol were reviewed and supported by the Council Meetings and Public Engagement Advisory Group. A copy of the proposed amendments is attached as appendix C.

Approval of overseas trips by employees

- 3.6 Overseas trips by employees are currently approved by an individual Executive decision by the relevant Cabinet member. A number of such trips involve no cost to the Council (usually where the trip is funded through a grant from a third party, e.g. the European Union). In order to streamline the decision-making process, it is proposed that such decisions should be made in future under strategic directors' delegated authority. This has therefore been included in the appropriate section of the Constitution (Delegations to Chief Executive and all Strategic Directors – see below).

Function	Limits or restrictions on delegation
B16 Approval for overseas trips by employees.	Where there is no cost to the Council (i.e. funded by a third party).

- 3.7 Approval of trips where there is a cost to the Council will continue to require individual Cabinet member approval.

Responsibility for housing support services

- 3.8 Responsibility for these services currently sits across two portfolios: Economic Regeneration and Prosperity (Cllr Peter Bilson) and Adult Services (Cllr Steve Evans). Discussions between the two directorates (Education and Enterprise, and Community), which have included the two Cabinet members, has resulted in an agreement to transfer most housing support services to sit together with the strategic housing function already overseen in Economic Regeneration and Prosperity.
- 3.9 Amendments have been made to the Constitution to reflect these changes, specifically to section two of appendix one (Delegations to the Cabinet) and to sections 20D (Delegations to the Strategic Director, Community) and 20F (Delegations to the Strategic Director, Education and Enterprise). These changes do not include any new or changed responsibilities, simply transfers between portfolios/directorates.

Delegations to the Audit Committee

- 3.10 Following new guidance, the Audit Committee has reviewed its terms of reference and the delegations in the Constitution have been amended accordingly. The changes also reflect the dissolution of the Final Accounts – Monitoring and Review sub-committee, which is no longer considered necessary, with its work being assumed by the main committee.

References to shadow chairs

- 3.11 At its meeting on 18 December 2013, the Council made a number of changes to the schedule of responsibility allowances for Councillors. This included ending the arrangement of appointing shadow chairs to certain committees. In light of this, references to shadow chairs have been removed from the Constitution.

Changes to arrangements for hearing human resources appeals

- 3.12 Changes are proposed to the way in which human resources appeals are considered. Therefore, with effect from the Annual Council meeting, the existing appeals panel will be dissolved and new arrangements will be implemented. The draft Constitution has been amended to reflect this.
- 3.13 An annotated copy of the full Constitution, showing all the changes to be made, is available on the Council's committee management system with other documents for this meeting:

<https://wolverhampton.cmis.uk.com/decisionmaking/Calendar/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/8890/Committee/1470/Default.aspx>

Revised Planning code of conduct for Councillors and employees

- 3.14 The Council already has in place a Planning Code of Conduct which was based on the Note on Probity issued by the Local Government Association, in addition to the National Code of Conduct, following the development of national legislation on standards.
- 3.15 The Localism Act 2011 and associated Regulations introduced a new standards regime and in light of that the Council has in place a local Code of Conduct and a Standards Committee. The revised Planning Code of Conduct is additional to the Council's Code of Conduct. The revised Planning Code of Conduct specifically relates to the operation of the planning regime and more particularly to Planning Committee. It is entitled the Planning Code of Conduct so as to differentiate it from the Council's Code of Conduct.
- 3.16 Some of the changes made by the Localism Act 2011 and associated Regulations relate to the changes from personal and prejudicial interests and the introduction of disclosable pecuniary interests. Issues relating to predetermination have also moved on since the current Planning Code of Conduct was adopted. The revised guide has been drafted to take into account the up to date position in relation to all relevant matters. A copy of the code of conduct is attached as appendix D to the report.
- 3.17 Some aspects of the existing Planning Code of Conduct remain the same such as the provisions relating to site visits and party whip.

4.0 Financial implications

4.1 There are no financial implications associated with the recommendations in this report.
[GE/08042014/S]

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/ 10042014/M]

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 Schedule of background papers

None.