

Governance Committee

23 April 2021

Report title	Update from the Monitoring Officer on Governance Matters	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance	
Accountable director	David Pattison: Director of Governance	
Originating service	Governance	
Accountable employee	David Pattison	Director of Governance
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Report has been considered by	Not applicable.	

Recommendation for action:

The Governance Committee is recommended to:

1. Note the report and provide any feedback on the report.

1.0 Purpose

- 1.1 To provide an update on the work programme and other matters within the scope of the Governance Committee's remit. The work programme was approved by the Committee at its meeting in January 2021.

2.0 Background

- 2.1 The Council's Constitution sets out the remit of the Committee below:

1.0 Terms of Reference – Governance Committee

- 1.1 The Governance Committee shall be an advisory body, comprising Councillors, dealing with governance and constitutional arrangements.*
- 1.2 The Governance Committee shall, where appropriate, consider and advise the Council on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.*
- 1.3 The Governance Committee shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.*
- 1.4 The Governance Committee will be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.*
- 1.5 The Governance Committee shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.*

2.0 Additional Role and Functions

- 2.1 The Governance Committee will have the following additional terms of reference:-*
- a. to liaise between the Council and the Ombudsman;*
 - b. to advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;*
 - c. to advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.*
- 2.2 The Committee agreed the following work programme for the remainder of the Municipal Year:

Governance Committee Forward Plan for the 2020-2021 Municipal Year			
Date of Meeting	Title of Report	Lead Officer	Publication Deadline
22 January 2021	Local Election Fees and Charges 2021/2022	Laura Noonan/David Pattison	14 January 2021
12 February 2021	Report on 2020 Annual Canvass	Laura Noonan/David Pattison	4 February 2021
	Update from the Monitoring Officer on Governance Matters	David Pattison	
12 March 2021	Update on 2021 Elections	Laura Noonan/David Pattison	4 March 2021
	Council Submission to Local Government Boundary Review	Stephanie Taylor/Laura Noonan/David Pattison	
	Calendar of Meetings	Jaswinder Kaur	
	Update from the Monitoring Officer on Governance Matters	David Pattison	
23 April 2021	Constitution review	Jaswinder Kaur/David Pattison	15 April 2021
	Update from the Monitoring Officer on Governance Matters	David Pattison	

2.3 This report provides an update on issues coming to the Committee and any developing issues within the scope of the Committee and if they take place after the publication of the report a verbal update will be given. As always if members of the Committee wish for other items to be added they should speak to the Chair of the Committee.

3.0 Update on position

3.1 Work Programme – an update on the work programme is below:

- 22 January 2021 – the Local Election Fees report was supported.
- 12 February 2021 - the annual canvass report was supported.
- 12 March 2021 – the election report, boundary commission report and calendar of meetings reports were supported.
- 23 April 2021 – this is an additional meeting and the details of the business is below.

3.2 **Elections update** - a detailed report was taken to the last meeting. The work on the election continues to take place and preparations are at an advanced stage. The focus is to ensure that that the elections taking place on 6 May 2021 will take place safely and efficiently.

As the Committee is aware the election is a triple election consisting of City Council elections (for 1/3 of the seats and by-elections), election of the Police and Crime Commissioner and the West Midlands Combined Authority Mayoral election.

The nomination process which ended on 8 April 2021 went smoothly and the statement of persons nominated was published on 8 April 2021.

We are seeking to ensure that electors, candidates and agents are kept informed of the changed processes that will be taking place to ensure that we both meet the requirements of electoral law and Health and Safety legislation. The second of the Council's candidates and agents briefings took place on 15 April 2021.

A verbal update will be provided to the meeting.

- 3.3 **Local Government Boundary Commission for England Review** – as the Committee is aware the Commission is currently undertaking a review of the electoral arrangements for the Council. This has been the subject of a number of reports to the Committee, the most recent being the report dated to the 20 November 2020 Committee. The Council's submission has been made to and received by the Commission.

The Commission's website for our review can be seen [here](#) – and confirms that the Commission intends to publish its proposed warding patterns for a further consultation in June 2021 (the consultation is stated as being started on 29 June 2021). We will bring a report back to the Committee at that time.

- 3.4 **Constitution revisions** – as the Committee is aware a review of the Constitution is underway. A detailed report on this is on the agenda for this Committee. It is important to note that the key drivers of the changes -
- seeking make it easier to follow and understand
 - tackle some changes that have been asked for by Councillors/required by legislation/suggested by other bodies or shown as necessary during recent months
 - to make governance more efficient

We are keen to ensure that the review of the constitution takes place on a regular basis so that it can be kept up-to-date.

- 3.5 **Remote meetings** – as things stand at the time of writing this report the provisions that allow remote meetings to take place for local authorities will come to an end on 7 May 2021 as a result of a sunset clause in the legislation in the Coronavirus Act 2020. Government has explained that there is insufficient Parliamentary time to allow for an extension to be considered by Parliament.

There is currently a case before the Courts seeking a declaration from the Courts as to whether the existing law, primarily set out in the Local Government Act 1972, allows for remote meetings to take place without the need for a substantive change to the primary legislation. Government has indicated that it is supportive of the approach. The case is due to be heard on 21 April 2021 so an update will be given verbally to the meeting.

As things currently stand we are preparing for both situations namely for remote meetings to continue and for a full return to physical meetings post 6 May 2021.

The Council's facilities allow for all meetings, other than full Council, to take place in the Civic Centre on a socially distanced basis. We are able therefore to have all Committee/Panel meetings taking place (using the Council Chamber) and meeting the duties both in local government legislation and Health and Safety legislation.

In terms of full Council (whilst Covid social distancing restrictions are in place) the proposed approach would be to have a hybrid approach (as happened for Council in September 2020).

The maximum number of Councillors permitted within the chamber according to Health and Safety risk assessments is currently 25 (24 in the Councillors area and the person presiding at the top table). It is proposed that all 25 would attend with all other Councillors attending remotely, those attending in person would be selected by the relevant group leaders with numbers of attendees from each group determined on a political balance calculation. All other Councillors would attend remotely – if the law changes then those attending remotely would formally be entitled to vote – if the law does not change then they would be able to speak at the meeting and take part in the debate but not formally vote.

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendation in this report as Governance Committee is simply asked to note the update and provide any feedback. [GE/15042021/B]

5.0 Legal implications

- 5.1 This is simply an update report and no substantive decisions are made through it so there are no legal implications as such. [DP/15042021/A].

6.0 All Other Implications

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

7.0 Schedule of background papers

- 7.1 Forward Plan for the 2020-2021 Municipal Year - 22 January 2021 - Governance Committee.

- 7.2 Local Election Fees and Charges 2021-2022 - 22 January 2021 - Governance Committee.
- 7.3 Electoral Review: Update on Phase Two - 20 November 2020 - Governance Committee.
- 7.4 Changes to the Constitution as a result of Covid-19 and other urgent changes - 11 September 2020 - Governance Committee.
- 7.5 Modernising the Political Structure - 19 March 2020 - Governance Committee.
- 7.6 Modernising the Political Structure - 28 February 2020 - Governance Committee.
- 7.7 Electoral Review: Council Size Submission and Electoral Projections - 19 February 2020 - Governance Committee.
- 7.8 Evaluation of 2020 Annual Canvass - 12 February 2021 – Governance Committee.
- 7.9 Calendar of Meetings 2021-2022 – 12 March 2021 – Governance Committee.
- 7.10 Council Submission to Local Government Boundary Review - 12 March 2021 – Governance Committee.
- 7.11 Update on the 2021 Elections - Preparations for Covid Secure Elections - 12 March 2021 – Governance Committee.
- 7.12 Governance Business Improvement - 12 March 2021 – Governance Committee.

8.0 Appendices

- 8.1 None.