

Governance & Ethics Committee

10 December 2021

Report title	Update from the Monitoring Officer on Governance Matters	
Cabinet member with lead responsibility	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
Accountable director	David Pattison: Chief Operating Officer	
Originating service	Governance	
Accountable employee	David Pattison Tel Email	Chief Operating Officer 01902 553 840 David.Pattison@wolverhampton.gov.uk
Report has been considered by	Not applicable.	

Recommendation for action:

The Governance and Ethics 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 July 2021.

2.0 Background

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

The Governance and Ethics Committee will have responsibility for the following functions which are reserved to it:

The Governance and Ethics Committee will have the following Terms of Reference:

- a. Shall be an advisory body, comprising Councillors, dealing with governance, ethics and constitutional arrangements.*
- b. 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.*
- c. 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.*
- d. Be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.*
- e. Shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.*
- f. Shall liaise between the Council and the Ombudsman;*
- g. Shall advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;*
- h. Shall 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.*
- i. Promoting and maintaining high standards of conduct by Elected Members and coopted Members;*
- j. Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;*

k. Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;

l. Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;

m. Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;

n. At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;

o. Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;

p. Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

Governance and Ethics (Hearings) Sub-Committee

The Sub-Committee shall conduct hearings into allegations that a Councillor has breached the Code of Conduct for Councillors of the relevant authority in accordance with the arrangements for such hearings approved by the Council.

2.2 The agreed work programme for the year for the Committee is as follows:

Governance Committee Forward Plan for the 2020-2021 Municipal Year			
Date of Meeting	Title of Report	Lead Officer	Status/Publication date
3 September 2021	Proposed reaction to the LGBCE consultation	Laura Noonan/David Pattison	Completed
	Regular Monitoring Officer Update	David Pattison	Completed
	Electoral Cycle report	David Pattison	Completed
	Further revisions to the Constitution	David Pattison	Deferred to October meeting
	Petitions	Jas Kaur	Deferred to October meeting

	Alderman	Jas Kaur	Completed
22 October 2021	Regular Monitoring Officer update	David Pattison	14 October 2021
	Proposed review of Current Councillor Allowance scheme – expires in May 2022	David Pattison	Completed
	Local Government and Social Care Ombudsman Annual Report	David Pattison	Deferred to November meeting
	Councillor enquiries	Laura Gittos	Completed
	Constitution(including adoption of definition of Islamophobia)	David Pattison	Completed
10 December 2021 (revised date)	Regular Monitoring Officer update	David Pattison	2 December 2021
	Annual report on Code of Conduct matters (new item)	David Pattison	Move to January meeting to ensure full update can be given
	Report on Allowances – draft report to IRP (new item)	David Pattison	Item requested by Committee – on the agenda
	Constitution – further report	David Pattison	Move to January meeting
	Report on implementation of the LGBCE review	David Pattison	Move to February meeting as LGBCE now delaying recommendation date
	Report of the Association of Electoral Administrators (new item)	David Pattison	On the agenda

	Councillor Enquiries Update (new item)	Laura Gittos	On the agenda
	Review of the Corporate Code of Governance	David Pattison	Will go to January Committee
14 January 2022	Regular Monitoring Officer update	David Pattison	6 January 2022
	Election preparation update	Laura Noonan	
	Annual Canvass (New)	Laura Noonan	
18 February 2022	Regular Monitoring Officer update	David Pattison	10 February 2022
	Constitution review	David Pattison	
25 March 2022	Regular Monitoring Officer update	David Pattison	17 March 2022
	Election update	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 **Elections update** - a detailed update report on the May 2021 elections went to the July meeting of the Committee. Following the May 2021 election a peer assessment from the Association of Electoral Administrators to assess where election planning worked well and where it can be improved. The work of the AEA took place in September/October and is on the agenda for this meeting.
- 3.2 Preparations for the May 2022 election are already well underway and a detailed paper will brought to the January 2022 meeting.
- 3.3 In terms of registration the annual canvass has concluded, and the revised register was published on 1 December. There are 182,811 electors on the electoral register, and 35,932 postal voters. All Councillors have been emailed a register request form from Electoral Services setting out how you can request a copy of the register for the ward they represent. The overall canvass completion rate was 93.4%, which was a good increase on last year's response rate of 89%. An evaluation of the Annual Canvass will be taken to the Committee on 14 January 2022.

- 3.4 **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 including a detailed report to the last meeting, The Commission's website for our review can be seen [here](#).
- 3.5 The Commission has now confirmed that final recommendations will now be published by the Commission on 11 January 2022 and not in November as previously indicated by them. These recommendations then need to go before Parliament. We are separately writing to the Secretary of State to request that there is a fallow year in 2024 to avoid the potential need for 3 elections for, in many cases almost the same ward, in 3 years for the same candidate.
- 3.6 **Constitution revisions** – as the Committee is aware the Constitution has been reviewed in detail in the last year with a number of changes made at the Annual meeting of Council on 19 May 2021, the meeting of Council on 21 July 2021 and the meeting on 3 November 2021. Further changes will be brought forward shortly, these will include:
- Officer delegations in part 3
 - Proposals re public questions at full Council
 - Approach re appointments on more than a 1 year basis
 - Review of the rules of debate
- 3.7 As part of the changes coming to the January meeting a detailed paper will be presented on the proposed approach for public questions at full Council, which was raised at Council in September 2021. Officers have looked at a number of schemes in place in other authorities and will bring recommendations to the January meeting.
- 3.8 **Freedom of the City nominations** – the Council is currently working through 2 nominations for freedom of the city, one is on the agenda for this meeting and the other is now being worked through in line with the approach approved by the Committee at the July meeting.
- 3.9 **Covid restrictions re meetings** – As the Committee is aware following the Court case and the lapse of section 78 of the Coronavirus Act 2020 in May 2021 formal Council/Committee meetings must take place with Councillors physically present to count in terms of quoracy and voting. This remains the case and although Government has agreed to review the position there have been no proposals brought forward in relation to this at the time of writing. The Council's democratic, health and safety and public health teams continue to work together to ensure that the meetings take place in a safe way in the light of the current Government guidance.
- 3.10 **Code of Conduct matters** – there are a number of Code matters in the process of being addressed and some nearing conclusion. The next meeting will cover an annual update on Code matters and this will include a detailed Social Media Protocol as well as additional advice notes for Councillors and a proposed programme of training.

- 3.11 We are also in the process of appointing an additional independent person, which again we wish to bring back to the Committee at that meeting.

4.0 Financial implications

- 4.1 There are no financial implications arising from the recommendation in this report as Governance and Ethics Committee is simply asked to note the update and provide any feedback. [GE/09122021/K]

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/21102021/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 None

8.0 Appendices

- 8.1 None.