

CITY OF WOLVERHAMPTON COUNCIL	Governance & Ethics Committee 14 January 2022
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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	Chief Operating Officer
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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

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

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
	Report on Allowances – draft report to IRP (new item)	David Pattison	Completed
	Report of the Association of Electoral Administrators (new item)	David Pattison	Completed
	Freedom of the City Report (new item)	David Pattison	Completed
	Councillor Enquiries Update (new item)	Laura Gittos	Completed
14 January 2022	Regular Monitoring Officer update	David Pattison	6 January 2022
	Election preparation update	Laura Noonan	On Agenda
	Annual Canvass (New)	Laura Noonan	On Agenda

	Constitution – further report	David Pattison	Move to February meeting to ensure complete report and contents discussed with each Group in advance
	Annual report on Code of Conduct matters (new item)	David Pattison	Move to February meeting to ensure matters fully covered
18 February 2022	Regular Monitoring Officer update	David Pattison	10 February 2022
	Report on implementation of the LGBCE review	David Pattison	
	Code of Corporate Governance	David Pattison	
	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 has been incorporated into the work being undertaken and a detailed paper is on the agenda for this meeting.

3.2 **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](#).

- 3.3 The Commission has now confirmed that final recommendations will be published by the Commission on 18 January 2022 and not in November. 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.
- 3.4 **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
- 3.5 There are a number of changes that are proposed, these will be brought to the next Committee meeting as part of a detailed paper.
- 3.6 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.
- 3.7 **Freedom of the City nominations** – the Council currently has 2 nominations for freedom of the city, one will be going to an Extraordinary meeting of the Council shortly and the other is now being worked through in line with the approach approved by the Committee at the July meeting.
- 3.8 **Councillor Allowances** – the Independent Remuneration Panel met on 12 January 2022 and a full copy of the IRP's report alongside the papers they considered will be brought to that meeting. The IRP is currently working on the draft report and it will be shared once ready.
- 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 Government has confirmed that it has no plans to review the position to address the current Covid challenges. However it has also confirmed that it will shortly be in a position to set out its long term position for the future in relation to this issue.
- 3.10 It is proposed that all current statutory meetings other than Council continue as they have been and that Council on 26 January operates with a reduced attendance with only 33

out of a possible 59 Councillors attending, with a pro-rata reduction for each party, others would attend on-line but would not be able to vote or count for the purposes of quoracy.

3.11 **Code of Conduct matters** – there are a number of Code matters in the process of being addressed and some nearing conclusion. Whilst it had been proposed to bring the Annual update to the meeting on 14 January 2022 this has not proved possible with the work on the Independent Remuneration Panel 4 year review of allowances taking place on 12 January 2022. The report will therefore be brought to the next meeting of the Committee or if it can be arranged an additional meeting prior to 18 February 2022.

3.12 A number of matters will be brought to the next meeting including:

- Detailed Social Media Protocol as well as additional advice notes for Councillors and a proposed programme of training
- Report on the appointment of additional independent persons
- Updated guidance on disclosure of personal interests
- Review of revised Code of Conduct

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/13012022/J]

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/13122022/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.