

Governance & Ethics Committee

25 February 2022

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
18 February 2022	Regular Monitoring Officer update	David Pattison	10 February 2022
	Report on implementation of the LGBCE review	Laura Noonan	On agenda
	Alderman report	Laura Gittos	On agenda
	Councillor Allowances	David Pattison	On agenda
	Annual report on Code of Conduct matters (new item)	David Pattison	On agenda
25 March 2022	Regular Monitoring Officer update	David Pattison	17 March 2022
	Election update	David Pattison	
	Code of Corporate Governance	David Pattison	
	Constitution review	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.

3.2 A detailed paper was brought to the January meeting of the Committee. Since that date the advice from Health and Safety and Public Health has changed and they are recommending that a number of the proposed Covid restrictions that were planned, based on Electoral Commission advice is no longer necessary.

- 3.3 On the basis of the revised advice we will have a full complement of counters at the election and as such we anticipate being able to conclude the count by around 1:30am as opposed to the previous estimate of 3:30am. A full paper will come to the next meeting of the Committee in March
- 3.4 **Local Government Boundary Commission for England Review** – details of the implementation plan are already on the agenda for this meeting. The Commission published final recommendations on 18 January 2022.
- 3.5 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 There are a number of changes that are proposed, these will be brought to the next Committee meeting as part of a detailed paper.
- 3.8 As part of the changes coming to the next 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 next meeting.
- 3.9 **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 on 2.3.22 and the other is now being worked through in line with the approach approved by the Committee at the July meeting.
- 3.10 **Councillor Enquiries Unit** – It is critical that we continue to work on improving the CEU process. Meetings with the working group of councillors have been arranged to ensure that we improve the processes. The current data is:
- All enquiries are acknowledged within 24 hours of submitting to CEU
 - CWC – 95% closed on cases, 3% open within agreed SLA and 2% overdue (namely passed agreed SLA)
 - WH – 89% closed on cases, 7% open within agreed SLA and 4% overdue (passed agreed SLA)
 - Most commonly logged enquiries are on Trees and Flytipping

3.11 **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 are on the agenda and will be considered at the meeting.

3.12 **Code of Conduct matters** – the annual report is on the agenda and includes:

- 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/17022022/G]

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/17022022/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.