

TELFORD & WREKIN COUNCIL

FULL COUNCIL 4 MARCH 2021

MONITORING OFFICER ANNUAL UPDATE

REPORT OF ANTHEA LOWE – ASSOCIATE DIRECTOR: POLICY & GOVERNANCE

LEAD CABINET MEMBER – CLLR RAE EVANS – CABINET MEMBER FOR COUNCIL FINANCE & GOVERNANCE

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 This report addresses the issue of members' who may encounter difficulties attending meetings during the Covid pandemic, provides a summary of the activity that has taken place over the last 12 months within the Policy & Governance directorate, updates Members on some recent changes within governance-related matters and provides a brief look forward to the next 12 month period.

2. RECOMMENDATIONS

It is recommended that full Council:-

2.1 Approves the reason for non-attendance at meetings of the authority as set out in paragraph 4.6 of this report subject to the relevant Member notifying the Monitoring Officer of the need to rely upon it prior to the implementation of the '6-month rule' described in paragraph 4.4 of this report;

2.2 Agrees to review the decision made at recommendation 2.1 above by no later than 31 March 2022;

2.3 Approves the two appointments as set out at paragraph 4.8 of this report with effect from the 2021/22 municipal year and the allowances associated with those roles;

2.4 Notes and endorses the approach set out in paragraphs 4.13 – 4.16 of this report in relation to Member development and support;

2.5 Notes the scrutiny update provided at paragraph 4.19 of this report; and

2.6 Approves the updated terms of reference as detailed at paragraph 4.21 of this report.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>The details set out in this report support all of the Council's priorities given that this report relates to matters of governance.</i>
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE		
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The annual cost of the allowances for the proposed new Member roles is £7,870 and this will be met from within existing resources. TAS 24.2.21
LEGAL ISSUES	Yes	Section 85 Local Government Act 1972 confirms that a member's failure to attend any Council meeting for 6 months will not result in that member ceasing to be a member provided that the failure was for a reason already approved by the Council. The recommendation at para 2.1 above accords with this legislation. Arrangements for fostering panels, including their constitution and membership, are set out within the Fostering Services (England) Regulations 2011. Arrangements for adoption panels are set out in the Adoption Agencies Regulations 2005 and the Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011. The member appointments to these panels pursuant to recommendation 2.3 above accord with this legislation. Other legal issues are summarised within the body of this report (IR 24.02.21)
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	

IMPACT ON SPECIFIC WARDS	No	<i>Borough-wide impact</i>
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PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Members will recognise that the past 12 months have been extremely challenging and that both officers and Members alike have had to adapt very quickly to be able to respond to the Covid pandemic whilst ensuring that it can continue to transact business effectively.
- 4.2 Following the first lockdown in March 2020, officers within the legal and democracy team, with help from the ICT team, rapidly developed a system to enable meetings to take place remotely including the production of a remote meetings protocol. This has seen us move to live streaming **all** of our public Council, Cabinet and Committee meetings.
- 4.3 The ability to hold meetings remotely required legislative changes to be made by central government and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020 were introduced. The Regulations allowed meetings to be held remotely (or part in person and part remotely) for a temporary period until 7 May 2021. Recent indications from central government indicate that these regulations will be updated to extend the time during which remote meetings can lawfully take place and may even introduce a permanent right to hold remote meetings in the future.
- 4.4 Members may recall that, at the meeting of full Council on 21 May 2020, the Council resolved to approve leaves of absence for Covid-related reasons provided that Members informed the Monitoring Officer that this was necessary. The purpose of this was to ensure a mechanism by which any Members who could have found themselves inadvertently 'retired' as a result of the 6 month rule set out in s.85 Local Government Act 1972 due to Covid-related reasons, would not need to wait for a Council meeting to be held to secure a leave of absence. It was agreed that this arrangement would be reviewed by no later than the next Annual Council meeting.
- 4.5 Although the vaccination roll-out is progressing, the indications from central government are that the pandemic is expected to continue for some time. That being the case, it is proposed that full Council is asked to review this arrangement at this junction and decide whether or not to allow Members to confirm a leave of absence with the Monitoring Officer should it be necessary.
- 4.6 Specifically, it is proposed that Council formally approves that, during the declared pandemic, any Councillors who are unable to attend Council meetings, having followed Government, Public Health England and NHS advice relating to Covid-19 will have an approved reason for

non-attendance at meetings provided that such member has notified the Monitoring Officer of the need to rely upon such reason before the expiry of 6 months since they last attended a meeting.

- 4.7 Following approval of the Council Plan at the meeting of full Council on 26 November 2020, Council will be aware that one of the Council's key priorities is to ensure that ***every child, young person and adult lives well in their community***. In support of this, the Leader is intending to appoint a Member to the Fostering Panel and one to the Adoption Panel with effect from the Annual General Meeting in May 2021. This brings parity with the way in which Shropshire Council and Telford and Wrekin Council approach the adoption panel with a member of Shropshire Council also being a member of that panel. The proposal is that Cllr Janice Jones will be appointed to the Fostering Panel and Cllr Arnold England will be appointed to the Adoption Panel.
- 4.8 Whilst these appointments will not take effect until May 2021, it is necessary to undertake DBS checks on each Member and to provide them with training in advance of them taking their post. For that reason, Members are asked to appoint Cllr Jones to the Fostering Panel and Cllr Arnold England to the Fostering Panel with effect from the start of the 2021/22 Municipal Year in advance of the usual report to the Annual General Meeting.
- 4.9 The amount of work undertaken by the Panels is significant and the Members appointed to these panels will be required to read large quantities of complex documents, much of it of an emotionally challenging context. It will also require the appointed Members to undertake training and development relevant to their roles to ensure they remain abreast of the changing landscape of children's care. It is considered that the nature, and quantity, of work these roles will require will be equivalent to that of the Chair of Standards Committee. That being the case, it is proposed that these two posts will be awarded a Special Responsibility Allowance and that this should be £3,935 per annum which is the equivalent sum due to the Standards Committee Chair.
- 4.10 Members are reminded that, when reaching a decision on Member Allowances, the council must have regard to the report of the Independent Remuneration Panel. Members will recall that the IRP reported to Council in 2019 setting out a rationale for the allowances that were recommended. Council accepted those recommendations. There is no requirement to receive a report from the IRP each time member allowances are considered and, given the limited impact of the proposals contained within this report, it would not be cost effective to do so in this instance. Consequently, due to the relatively recent report from the IRP and the similarities between the roles, it is suggested that Members are able to approve such allowances.

- 4.11 Whilst the pandemic has had an effect on the amount of training courses available for Members, training and development opportunities have continued to be offered to Members where they have appeared relevant to Member's roles. Most of this has been delivered via webinar or remote training sessions.
- 4.12 During the last 12 months, the following training has been attended by Members:-
- LGA Commercial Skills
 - Effective Audit & Risk Committee
 - LGA Leadership Academy
 - Charing remote meetings effectively
 - England's Heritage Sector – Funding & Investment
 - Using Marmot principles to tackle health inequalities and Covid-19
 - CIPFA Update for LA Audit Committee Members
 - Climate Change Webinar
 - LGA Councils' role in delivering the UN Sustainable Development goals post COVID-19
 - Libraries Best Practice Seminar for Councillors
 - Next steps for Adult Social Care
 - LGA Leadership Essentials
 - LGA Leadership Academy
 - LGA Commercial Mindset
 - King's fund Health & Care Conference
 - Planning Committee Training
- 4.13 Additionally, work has been ongoing to strengthen the member support offering. The Member Development Steering Group has been asked to consider a draft Member Development and Support Strategy which will set out the Council's commitment to ensuring that all Members are equipped with the skills and knowledge they need to undertake their role. As well as training on matters such as the Councillor Code of Conduct, a training programme will be developed to support the development of softer skills such as community leadership.
- 4.14 Shortly before the pandemic took hold, the Member Development Steering Group had begun discussions regarding the Council seeking the LGA's Member development accreditation which would further demonstrate the organisation's commitment to Member development. This work was put on hold during the pandemic but the group will be asked to recommence this piece of work in 2021/22.
- 4.15 Changes have been made to the structure of the Democratic Services and Elections teams. A decision has been made to bring the two teams together into one Democracy team. This will enable the team to

be more responsive to the needs of the organisation and will allow the appropriate allocation of resources to meet demands across elections, democratic services and scrutiny services. Changes have been made to the roles within the Democracy team which means that, from the start of the next municipal year, each Member will have a named officer within the Democracy team to approach for support in carrying out their role. The named officers will be shared with Members following the Annual General Meeting in May 2021.

- 4.16 Members should also be aware that arrangements have been made for ward newsletters to be sent to residents on an annual basis containing news relevant to the residents of each ward with distribution of the first ward having already commenced.
- 4.16 Looking forward, work on the review of the Council's Constitution has commenced and will continue into 2021/22. It is anticipated that this review will enable the Constitution to be accessible to all, easily understood and enables the council to undertake its work effectively, efficiently and expeditiously.
- 4.18 Members may be aware that the Local Government Association has recently completed its work on the Model Code of Conduct for Councillors following extensive consultation with stakeholder groups. The Standards Committee will be meeting on 24 March 2021 to consider recommending the adoption of the Model Code and, if approved, this will be brought to full Council for approval.
- 4.19 As well as the work that has taken place in terms of Member support and development, there has been a significant uptake in scrutiny work over the last 12 months. Whilst a report will be presented to full Council early in the new municipal year setting out in more detail the work of the scrutiny committees, the following sets out some of the activity that has taken place/is taking place:-
- Review of the work of the Marches LEP in the context of the pandemic;
 - Review of the Ofsted Outstanding Report and associated action plan'
 - Update on the new Family Safeguarding Model being introduced within Children's Services to tackle some of the root causes of harm to children and working to keep families together with agreement that a rapid review will take place shortly after implementation of the model;
 - A working group has been convened to research the benefits of implementing a school streets scheme across the Borough with recommendations to follow;
 - A rapid review by a working group drawn from Environment and Communities Scrutiny Committee into the Local Plan review with recommendations to be made around urban greening and biodiversity gain;

- Scrutiny of the Housing Investment Programme;
- Scrutiny of the Council's budget proposals; and
- Review of the Council's climate change action plan

4.20 Members are aware that the Council invited the Local Government Boundary Commission for England to commence a review into Telford and Wrekin's electoral arrangements and the Boundary Review Committee has commenced work in this regard.

4.21 The date that the first submission needs to be made to the LGBCE is 16 April 2021. To facilitate that, it is proposed that the Terms of Reference for the Boundary Review Committee are updated to enable the Committee to make that submission. Specifically, it is proposed that paragraphs 2 and 4 of the Terms of Reference are updated as follows:-

(2) Duty to prepare information and to ~~recommend~~ **submit** consultation responses to ~~Council~~ on Periodic and further Electoral Reviews.

(4) Duty to prepare information on and ~~recommend~~ **submit** consultation responses to ~~Council~~ on all other electoral arrangement reviews.

5. **PREVIOUS MINUTES**

<https://democracy.telford.gov.uk/documents/g1175/Printed%20minutes%20Thursday%2021-May-2020%2017.30%20Full%20Council.pdf?T=1>

6. **BACKGROUND PAPERS**

<https://democracy.telford.gov.uk/ieListDocuments.aspx?CId=1136&MIId=1175&Ver=4>

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