



Coventry City Council

Council Meeting

28th October, 2008

Booklet 1

Recommendation Minutes

INDEX TO MINUTES

Cabinet – 23rd September, 2008

Scrutiny Board 1 – 24th September, 2008

Standards Committee – 16th October, 2008

CABINET

23 September 2008

Cabinet Members

Present:-

Councillor Blundell
Councillor Mrs Dixon
Councillor Foster
Councillor Mrs Johnson
Councillor Lee
Councillor Noonan
Councillor Ridley
Councillor Sawdon
Councillor Taylor (Chair)
Councillor Williams

Non-Voting Opposition

Representatives present:-

Councillor Duggins
Councillor Field
Councillor Mutton
Councillor Windsor (substitute for Councillor Nellist)

Other Members

Present:-

Councillor Bains
Councillor Cliffe
Councillor Clifford
Councillor Lakha
Councillor O'Boyle
Councillor Ridge
Councillor Skipper

Others Present:

D. Cairns (T & G Branch of Unite the Union)
B. Copland
J. Evans
T. Kalns
F. Scott (Coventry Telegraph)
D. Welsh

Employees Present:-

P. Barnett (Chief Executive's Directorate)
R. Brankowski (Customer and Workforce Service Directorate)
L. Bull (Acting Director of Community Services)
F. Collingham (Communications and Media Relations Manager)
A. Davey (Head of Culture, Leisure and Libraries)
C. Forde (Head of Legal Services)
C. Green (Director of Children, Learning and Young People)
J. Handley (Customer and Workforce Service Directorate)
J. Jardine (Chief Executive's Directorate)
J. McGuigan (Joint Acting Chief Executive)
B. Messinger (Joint Acting Chief Executive)
J. Morlem (Chief Executive's Directorate)

J. Nichols (Head of Neighbourhood Management)
C. Parker (Chief Executive's Directorate)
J. Parry (Assistant Chief Executive)
S. Roach (Community Safety Manager)
J. Venn (Corporate Policy and Research Manager)
R. Walters (Neighbourhood Wardens Manager)
C. West (Director of Finance and Legal Services)

Apologies:- Councillor Nellist

RECOMMENDATION

80. Coventry City Council's Response to the Home Office Consultation on Policing – "From the Neighbourhood to the National"

The Cabinet considered a report of the Assistant Chief Executive outlining the current Home Office consultation on the above and seeking views on the Council response proposed in the appendix to the report submitted.

The report had been considered by the Scrutiny Co-ordination Committee at their meeting on 17 September 2008 (their Minute 51/08 refers) and a briefing note summarising their support for the proposed response and expressing their view that the Cabinet might consider strengthening it had been circulated to the members of the Cabinet the following day.

The report was also to be submitted to full Council at their meeting on 28 October 2008, when, due to time constraints associated with the deadline of 10 October 2008 for the return of responses, retrospective Council approval would be sought.

The report indicated that, on 17 July 2008, the Home Office published a Green Paper for consultation on Policing. The paper responded to ideas and recommendations that had resulted from the Independent Review of Policing conducted by Sir Ronnie Flanagan and the Engaging Communities in Fighting Crime Review led by Louise Casey. The paper comprised seven chapters as follows:

- (i) Empowering citizens, improving the connection between the public and the police
- (ii) Professionalising and freeing up the police, reducing bureaucracy and developing technology
- (iii) Defining roles and leadership in the police service
- (iv) Focusing on development and deployment
- (v) Strategic role for Government, co-ordinating change in policing
- (vi) Reinforcing collaboration between forces
- (vii) Reshaping of national performance management arrangements.

The report set out the key issues contained in each of these chapters. The proposed responses answered a number of questions, mainly focusing on the more strategic issues. It was noted that there was not a response for all of the chapters. The Community Safety Manager drew attention to the main concerns detailed in the responses.

The Cabinet discussed some of the issues raised by the draft responses expressing support for the views outlined. They noted that the Scrutiny Co-ordination Committee had strongly supported the response on the proposal to introduce directly-elected Crime and Policing representatives. This would make co-operation between police authorities and local authorities much more difficult since these representatives may be elected on a different platform, perhaps of a very narrow or extreme nature, which would not reflect the wider wishes of local people.

The Cabinet supported the response and concurred that it was appropriate for its content to be strengthened with regard to the response to the proposal to introduce directly-elected Crime and Policing representatives.

They also decided to convey the response to the West Midlands Police Authority at their meeting on 25 September 2008 and to suggest that, as well as submitting their own individual responses, the metropolitan district councils might wish to look to submitting a joint response with the Police Authority.

In addition, Councillor Mutton expressed the support of the main opposition group for the course of action proposed and asked the Chair (who agreed), in his capacity as Chair of the West Midlands Local Government Association, to suggest, at their next meeting, that they too might wish to submit a joint response.

RESOLVED that the City Council be recommended to formally approve the strengthened response, which, in order to meet the consultation date of 10 October 2008, will have been sent to the Home Office by the due date with the proviso that it was subject to formal approval by the Council.

SCRUTINY BOARD (1)
(FINANCE, PROCUREMENT AND VALUE FOR MONEY, COMMUNITY COHESION
AND EQUALITIES, CUSTOMER, WORKFORCE AND LEGAL SERVICES,
AUDIT ISSUES)

24th September, 2008

Scrutiny Board (1)

Members Present:-

Councillor Andrews (Substitute for Councillor O'Neill)
Councillor Arrowsmith (Chair)
Councillor Charley
Councillor Skipper
Councillor Smith (Deputy Chair)

Other Members Present:-

Councillor Mrs Dixon (Cabinet Member (Customer and Workforce Services)) – By Invitation
Councillor Lakha (Shadow Cabinet Member (Customer and Workforce Services))

Employees Present:-

S. Mangan (Finance and Legal Services Directorate)
M. Salmon (Customer and Workforce Services Directorate)
C. Steele (Chief Executive's Directorate)
J. Venn (Customer and Workforce Services Directorate)

Apologies:-

Councillor Foster (Cabinet Member (Finance and Value for Money) – by invitation)
Councillor Chater
Councillor Nellist
Councillor O'Neill

Public Business

17. 2007-2008 Annual Report of the Audit Sub-Group as the Council's Audit Committee

The Board considered a report of the Director of Finance and Legal Services that reported on the work of the Audit Sub-Group as the Council's Audit Committee.

In September 2006 an Audit Sub Group was established, separate from Scrutiny Board 1, to allow more time to be devoted to audit issues. The terms of reference for the Sub Group required the group to carry out responsibilities appropriate to an audit committee, including those defined by CIPFA in its guidance titled "Audit Committees – Practical Guidance for Local Authorities". As part of its role, the Audit Sub Group was required to report annually to full Council on its work as an audit committee.

During 2007-2008, the Council's Audit Committee met on 6 occasions and had also had a joint meeting with Scrutiny Board 1 for consideration of issues relating to the City Council's Statement of Accounts. The report set out details of the work carried out by the Sub Group and the support provided to it during the period, indicating that in terms of the development of the Sub Group, in 2006-07 considerable support was provided to the members of the Sub Group on training and awareness. In 2007-2008 the focus of the Sub Group changed, the membership having remained stable, from increasing awareness to embedding the learning within its work plan. In comparison with 2006-2007,

the work plan expanded to include: monitoring the Council's financial performance through the receipt and scrutiny of the monitoring reports in respect of the Council's revenue, capital and treasury management; monitoring and assessing the performance of the Council's Housing Benefit Fraud Team; and monitoring whether corporate risks were being identified and managed effectively - this was the first full year that the Group was responsible for this activity. During the year, the Internal Audit Manager and the External Auditors continued to provide support to the Audit Sub Group.

In addition to the 2006-2007 Statement of Accounts presented to the joint meeting of the Audit Sub Group and Scrutiny Board 1 in June 2007, quarterly progress reports in respect of the Council's financial performance against its revenue and capital budgets were reported to the Sub Group in September 2007 and January and February 2008.

During the year, the Audit Sub Group had received the following reports in respect of the Council's Internal Audit Service:

- The Council's Statement on Internal Control, informed by the Internal Audit Annual Report for 2006-2007;
- progress reports on the Council's Internal Audit activity for financial year 2007-2008; report on action taken by Council officers in respect of implementing agreed audit recommendations;
- reports on the Internal Audit Plan 2008-2009 and the Corporate Fraud Plan 2008-2009.

The Audit Sub Group had also received the following reports in respect of the Council's External Audit Reports:

- ICT Healthcheck.
- Sickness Absence.
- Network Security.

Other reports considered during 2007-2008 included:

- Annual Audit and Inspection Letter and Audit of the Best Value Performance Plan 2006-2007
- External Auditors' Annual Governance Report on the Statement of Accounts 2006-07
- Housing Benefit Fraud report on the work of the Housing Benefit Fraud Team.
- Updates on the Council's Corporate Risk Registers to assess whether corporate risks were being adequately identified and managed.

Work planned for the Sub Group for 2008-2009 included:

- Measuring the effectiveness of the Audit Committee – on-going improvement work to enhance arrangements in light of issues identified in the Sub Group's self-assessment against CIPFA guidance entitled "Audit Committees – Practical Guidance for Local Authorities".
- Training – Training and awareness for new members of the Sub Group and further training for existing members.

RESOLVED that the City Council be recommended to note the activity of the Audit Sub Group as the Council's Audit Committee during 2007-2008.

STANDARDS COMMITTEE

16th October, 2008

Members Present:- City Council Members

Councillor D. Arrowsmith
Councillor J. Gazey
Councillor Mulhall

Independent Members

J. Willetts

Parish Councillors

D. Lilly
B. Shakespeare

Employees Present:-
H. Abraham (Head of Democratic Services)
C. Campbell (Customer and Workforce Services Directorate)
C. Forde (Head of Legal Services and Monitoring Officer)
S. Mangan (Finance and Legal Services Directorate)
J. McLellan (Customer and Workforce Services Directorate)

Apologies:-
D. Delieu
D. Jackson
Professor B. Ray

RECOMMENDATIONS

17. Proposed Amendment to the Constitution – Monitoring of Council's Whistleblowing Policy

The Committee considered a report of the Director of Customer and Workforce Services that outlined a proposed change to the Constitution in respect of the responsibility for monitoring the Council's Whistleblowing Policy, following consideration of this matter by the Constitution Working Group.

Whilst the City Council had had Whistleblowing guidance in place for some years now, it had only had a Whistleblowing Policy in place since October 2007. This Policy allowed individuals who wished to raise concerns in a confidential manner over any wrongdoing within the Council, relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. The Policy was intended to encourage and enable individuals to raise serious concerns within the Council rather than overlook a problem. The Policy supported the Council's Fraud and Corruption Policy and complemented other specific investigative procedures developed to support vulnerable groups i.e. Safeguarding Children and Vulnerable Adult Protection.

The Policy applied to:-

- All employees of the Council, including temporary employees as well as agency workers and employees seconded to third party organisations.
- Contractors working for the Council
- Teaching and School employees, subject to its adoption by Governing Bodies. In Voluntary Aided schools, the Governors were the employers of the staff and not the City Council. Employees based within such establishments could if they wished report concerns to the Diocesan authorities.

There were two reporting mechanisms available depending on the nature of the concern/allegation:-

- For fraud and financial irregularity - Concerns should be raised with the Internal Audit Manager.
- For all other matters – Concerns should be raised with the Head of Legal Services, as the Council's Monitoring Officer.

In addition, employees could make initial contact with any of the following: Supervisor, Manager, Head of Service, Headteacher, Trade Union representative, or Human Resources. Additionally, Public Concern at Work (an independent charity) operates a confidential helpline to provide free impartial advice for persons wishing to express concern about fraud and other serious malpractice in the workplace. Any of the above would provide advice on how to take the issue forward and would ensure that the relevant key contact was notified that a Whistleblowing concern exists.

Whilst allegations could be made anonymously, there was an expectation that the person reporting a matter would disclose their identity to the relevant key contact, as this would facilitate the investigation. The Council would not tolerate harassment or victimisation and would take action to protect individuals wherever possible provided that:-

- The concerns were raised in good faith
- The information provided was believed to be true, even if the allegation was not subsequently confirmed by the investigation
- Allegations were not made for personal gain

Individuals should be aware that actions taken as a result of their reporting of a concern might lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the Council would not tolerate any individual being victimised in any way.

The action taken by the Council would depend on the nature of the concern. The matters raised may be:-

- Investigated internally by an appropriately skilled and experienced employee, knowledgeable in the area concerned e.g. Manager, Internal Audit, Social Care Manager, Benefits Investigation Team, Human Resources, Chief Executive, the

Council's Monitoring Officer, Vulnerable Adults Protection Co-ordinator, the Safeguarding Children Officer, etc.

- Referred to the Police, Health and Safety Executive, External Auditors, Ombudsman and/or the National Standards Board
- The subject of an independent enquiry

Given the importance placed upon the Whistleblowing Policy within the Council, monitoring was a critical part of the overall Council arrangements. The role for monitoring this policy was reflected in the Constitution. However, the monitoring role for Whistleblowing was included in the terms of reference of both the Standards Committee and the Audit Sub-Group.

The Constitution Working Group considered this issue at its meeting on the 9th September, 2008, and whilst there was no definitive guidance in place over who should undertake this monitoring role, the Constitution Working Group's view was that responsibility for monitoring the Council's Whistleblowing Policy should be solely within the remit of the Audit Sub Group given that:-

- There was a direct link between Whistleblowing and the Council's Policy and Strategy in respect of fraud and corruption, which was subject monitoring and review by the Audit Sub-Group.
- The Council's Internal Audit Service, whose activity was monitored by the Audit Sub-Group, currently investigates the majority of Whistleblowing allegations.
- Most allegations were a result of a breach in Council policy and/or procedures. The Audit Sub-Group was responsible for overseeing that management action was taken to address control weaknesses identified either as a result of audit or fraud work

It was therefore proposed to amend the Constitution by removing responsibility for monitoring and reviewing the City Council's Whistleblowing Procedure from the terms of reference of the Standards Committee.

RECOMMENDED that the City Council amends parts 2.9.6 and 3.7.1 of the Constitution relating to the functions of the Standards Committee as follows:-

To remove the following role/function from the terms of reference from the Standards Committee – "To monitor and review the City Council's Whistleblowing Procedure" in light of the fact that:

- **It was already in section 4.5.2.3 of the Constitution within the terms of reference of the Audit Sub-Group**
- **The Audit Sub-Group through its terms of reference and work plan was better positioned to monitor the Council's Whistleblowing Policy.**

18. **Proposed Amendments to the Constitution – Petition Procedure Rules**

The Committee considered a joint report which outlined proposed changes to the Constitution in relation to the Petition Procedure rules set out in Part 4.9.

Over the last few months, a couple of issues had arisen in relation to the Petition Procedure Rules (a copy of which were attached to the report) and the Constitution Working Group had met to consider these issues.

The first issue related to the notification process once petitions had been considered. Currently, Paragraph 4.9.7 states:-

"Following consideration of a petition, the Member submitting the petition, together with the petition spokesperson and the relevant Ward Councillor will be notified in writing by the Director of Customer and Workforce Services of the decision and the Members and the petition spokesperson will then make arrangements to inform the petitioners accordingly."

In recent instances, some Members have interpreted this as meaning that each individual petitioner should personally receive some sort of notification about the decision. Where there were hundreds, or in some cases, thousands of signatures to a petition, there could be significant implications to the City Council in sending a copy of this letter to each petitioner. All of the decisions relating to the consideration of petitions were contained in the minutes from the meeting, which were a public document and could be accessed through the Committee Information Management System (CMIS). In addition, the outcomes of petitions were often reported in the local press.

It was therefore proposed to amend the wording of Paragraph 4.9.7.1 so that the only requirement was for the Member submitting the petition, the petition spokesperson and the Ward Councillors to be informed of the decision. In addition, where further action was required to be taken in relation to the petition, it was proposed to require the appropriate Directorate to keep the Member and petition spokesperson informed of any progress.

The second issue related to the length of time that some petitions had been in the system without being considered. Paragraph 4.9.2.3.7 of the Constitution indicated that petitions should normally be considered within two months of receipt. The exception to this were those petitions which related to planning and licensing applications which were considered at the same time as the application rather than within the two month period because of issues relating to the pre-determination of applications.

Currently, there were a number of petitions that related to planning issues that were over two years old. The petitions had never been considered because a planning application had either never been submitted, or the application had not progressed as far as being considered by the Planning Committee. For example, there could have been a concern amongst the local community that a planning application may be submitted for a particular location, but in fact an application was never submitted.

Governance Services produce a "petition tracking report", which tracks the progress of all current petitions, up to their consideration. A copy of this report is sent out to all Members each month. Recently, there had been criticism that no action had been

taken on these older petitions, and that they were lost in the system. In addition, there was some concern that, if an application were to be submitted a significant period after the petition was produced, what weight could be given to that petition. For example, if it were over two years old, would the petitioners still have the same concerns. In addition, people may no longer live in the area and new residents may have a different view.

The Constitution Working Group gave consideration to introducing a time limit for all petitions relating to planning and licensing issues and raised concerns that petitioners were submitting petitions that potentially may never be considered. They also indicated that there was a clear difference between those petitions which related to an application that had been submitted and where there was ongoing progress, against those petitions where an application had/may never be received.

It was therefore proposed that any petition relating to a planning or licensing issue, for which an application had not been received within a 12 month period and where there was no on-going progress, would automatically be considered by the relevant Cabinet Member (so avoiding the issue of pre-determination) and the petition be kept on file in planning or licensing for future reference. The petition would then be removed from the "petition tracing register". This would not preclude a new petition being submitted in the future, should the issue arise again.

RECOMMENDED that the City Council amends Part 4.9 of the Constitution relating to Petition Procedure Rules as follows:

- i) That Paragraph 4.9.7.1 of the Constitution regarding the notification of decisions relating to petitions be amended to read as follows:-**

"Following consideration of the petition, the Member submitting the petition, together with the petition spokesperson and the relevant Ward Councillors will be notified in writing by the Director of Customer and Workforce Services of the decision. Should any further action be required to the petition, the appropriate Directorate will keep the Member and petition spokesperson informed of any progress."

- ii) That the following be inserted at the end of Paragraph 4.9.4.2:-**

"That any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going progress, the petition will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference."