



Coventry City Council

Council Meeting

13th January, 2009

Booklet 2

Recommendation Minutes

INDEX TO MINUTES

Cabinet – 13th January, 2009

CABINET

13 January 2009

Cabinet Members
Present:

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

Others Present:

S. Shoker (Coventry Times)

Employees Present:

H. Abraham (Head of Democratic Services)
S. Brake (Head of Policy and Business, Community Services)
R. Brankowski (Customer and Workforce Services Directorate)
L. Bull (Acting Director of Community Services)
A. Burton (Finance and Legal Services Directorate)
F. Collingham (Communications and Media Relations Manager)
C. Forde (Head of Legal Services)
J. Handley (Customer and Workforces Services Directorate)
P. Hargrave (Chief Executive's Directorate)
S. Iannantuoni (Acting Head of Human Resources)
J. McGuigan (Joint Acting Chief Executive)
J. McLellan (Customer and Workforce Services Directorate)
B. Messinger (Joint Acting Chief Executive)
J. Parry (Assistant Chief Executive)
A. Pepper (Children, Learning and Young People's Directorate)
S. Pickering (Director of City Services)
S. Roach (Chief Executive's Directorate)
J. Venn (Customer and Workforce Services Directorate)
C. West (Director of Finance and Legal Services)
A. Yellowley (City Services Directorate)

Apologies:

Councillor Blundell

Public business

RECOMMENDATIONS

140. Government Consultation - Proposed Changes to Member Code of Conduct

The Cabinet considered a report of the Director of Finance and Legal Services seeking their views on a proposed response by the City Council to the Department for Communities and Local Government (DCLG) in relation to a consultation paper on proposed changes to the Model Code of Conduct.

The report explained that DCLG had produced a consultation paper entitled "Communities In Control: Real People, Real Power - Codes of Conduct for Local Authority Members and Employees". It addressed the proposal to amend the Member Code of Conduct included within this consultation. A copy of the existing Member Code of Conduct was appended to the report for comparison purposes.

A separate report relating to the proposed introduction of a Code of Conduct for Employees (also included in the consultation document) is referred to in Minute 141/08 below.

The report further explained that one of the proposals for change was to revise the order of the Code with the intention of making it easier to interpret and apply. This was to be achieved by dividing the code into two sections. The first dealt with the member's conduct when acting in an official capacity and reflecting what is in the current Code, and the second section dealt with the member's conduct in their non-official capacity.

The report had been considered by the Standards Committee at their meeting on 27 November 2008 and the Scrutiny Co-ordination Committee at their meeting on 17 December 2008, and a briefing note had been circulated on the outcome of those Committees' consideration of the proposed Council response to the changes to this Code of Conduct set out in the consultation paper issued by the DCLG.

The note indicated that the Standards Committee and the Scrutiny Co-ordination Committee considered the proposed response (which was in the form of responses to a set of questions) on 27 November and 17 December 2008, respectively.

Both Committees agreed the proposed response and, in doing so, made the following comments:-

- (a) In respect of the response to question 3, it is the Committees' view that the definition in the existing Code in relation to "official capacity" is more accurate and provides more clarity. Also, additional new guidance would assist in providing more examples of when the Code applied, particularly when Members claim to act or give the impression of acting as a member of the Council.
- (b) In respect of the response to question 4, the Committees do not consider cost to be a relevant criteria for consideration. In addition, whilst there is some value in having provision relating to overseas convictions, the Committees can foresee difficulties in ensuring that laws within different countries are consistent. In view of this, the Committees do not consider that provision for overseas convictions would be appropriate.
- (c) In respect of question 6, the Committees consider that the response should be amended to read "it would be helpful to clarify if any of the 10 General Principles are not followed, then this 'could' cause a member to breach the Code (i.e. not following the General Principles is insufficient alone to breach the Code)".

At the meeting of the Cabinet, Councillor Sawdon sought clarification as to the interpretation of provisions relating to members' declaration of interests with regard, for example, to (a) membership, as appointees of the City Council, of external bodies (such as the West Midlands Police Authority), (b) membership, in a personal capacity, of external bodies such as the University Hospitals Coventry and Warwickshire NHS Trust and (c) Council-provided services, such as the commercial waste collection scheme.

He also asked that a coherent commonality of approach be sought with the other six West Midlands District Councils to clarify the situation relating to the declaration of such interests referred to above at meetings of such bodies.

The Head of Legal Services undertook to expand the proposed response in order to take on board the thrust of the above representations. She also outlined the work being done to try to make the position clearer for elected members by providing examples of guidance pertinent to particular circumstances.

With that addition, the Cabinet decided to endorse the decisions of the Standards Committee and the Scrutiny Co-ordination Committee shown above and to incorporate them in its recommendations to full Council.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend the City Council:

- (1) To agree the response to the consultation document issued by the DCLG, incorporating the above comments of the Standards Committee and the Scrutiny Co-ordination Committee and the additional representations summarised above.**
- (2) To delegate authority to the Head of Legal Services to finalise that response in the light of the Council's views.**

141. Government Consultation – Model Code of Conduct for Employees

With reference to Minute 140/08 above, the Cabinet considered a joint report of the Director of Finance and Legal Services and the Director of Customer and Workforce Services seeking their views on a proposed response by the City Council to the Department for Communities and Local Government (DCLG) in relation to a consultation paper entitled "Communities In Control: Real People, Real Power - Codes of Conduct for Local Authority Members and Employees" on the proposed introduction of a Model Code of Conduct for local authority employees.

The report explained that, in August 2004, the Government consulted on a model code of conduct for local government employees. Responses indicated that the model code of conduct consulted on was inadequate. In addition, it was felt that a code of conduct for all staff would be needlessly bureaucratic as all employees would be subject to the same code regardless of their position. There was some support for following the model of the Welsh code of conduct, which only applied to a certain category of defined

senior officer. Alternatively, the code could be restricted to those who exercise executive, regulatory or overview and scrutiny powers under the authority's scheme of delegation to officers.

The report had been considered by the Standards Committee at their meeting on 27 November 2008 and the Scrutiny Co-ordination Committee at their meeting on 17 December 2008, and a briefing note had been circulated on the outcome of those Committees' consideration of the proposed Council response to the changes to this Code of Conduct set out in the consultation paper issued by the DCLG.

The note indicated that the Standards Committee and the Scrutiny Co-ordination Committee considered the proposed response (which was in the form of responses originally made by the West Midlands Local Government Association to a set of questions) on 27 November and 17 December 2008, respectively.

Both Committees decided to agree the proposed responses to questions 15 and 17 to 22, but considered that the responses to questions 13, 14 and 16 should be as follows:-

- (a) **Question 13** - A model code of conduct for local government employees should not be mandatory but voluntary.
- (b) **Question 14** - The employees' code should apply to all employees, including those who already have additional professional codes (for instance, the Solicitors Code of Conduct does not include any reference for employees to be politically neutral). A code for all employees could overarch existing professional codes and fill any gaps that may exist.
- (c) **Question 16** - The first paragraph of the response should read "Within the general principles, it should also state to treat others with **due** dignity and respect." In addition, the subjects of the proposed additional sections contained in the last three paragraphs of the response are not considered to be core values and, in any event, the proposed section on the requirement in respect of the disclosure of criminal charges and convictions is covered in other legislation.

The Cabinet decided to endorse the decisions of the Standards Committee and the Scrutiny Co-ordination Committee shown above and to incorporate them in its recommendations to full Council.

RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend the City Council:

- (1) **To agree the response to the consultation document issued by the DCLG, incorporating the above comments of the Standards Committee and the Scrutiny Co-ordination Committee.**
- (2) **To delegate authority to the Head of Legal Services to finalise that response in the light of the Council's views.**

