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15. **Proposed Changes to the Constitution**

From the Cabinet Member for Policing and Equalities held on 16 March 2023

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Agenda Item 15
Agenda Item 15
Council – 21 March 2023
Recommendation from Cabinet
Member for Policing &
Equalities
16 March 2023

Coventry City Council Minutes of the Meeting of Cabinet Member for Policing and
Equalities held at 9.30 am on Thursday, 16 March 2023

Present:

Members: Councillor AS Khan (Chair)
Councillor P Akhtar (Deputy Cabinet Member)
Councillor G Ridley (Substitute for Councillor P Male, Shadow Cabinet Member)

Employees Present:

Law and Governance S Harriot, J Newman, U Patel

Apologies: Councillor P Male

RECOMMENDATION

Public Business

25. Declarations of Interest

There were no declarations of interest.

26. Minutes

The minutes of the meeting held on 2 February 2023 were agreed and signed as a true record. There were no matters arising.

27. Proposed Changes to the Constitution

The Cabinet Member considered a report of the Chief Legal Officer which proposed changes to the Council's Constitution.

The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and needed to be updated from time to time to ensure that it reflects changes in practices within the Council.

The Constitutional Advisory Panel at its meeting held on 22 February 2023 considered and agreed the following proposed changes to the Constitution:

(a) Amendments to the membership of the Health and Wellbeing Board

- (b) Amendments to the Member /Officer Protocol
- (c) Recommendations in respect of the Audit Committee and Functions of Council in respect of Severance Payments

Amendments to the Membership Health and Wellbeing Board

(i) The Membership of the Health and Wellbeing Board (HWBB) had to be reviewed following the establishment of the Integrated Care Board. This amalgamated the two Coventry and Warwickshire Clinical Commissioning Group seats with one for Coventry and Warwickshire Integrated Care System.

(ii) In addition, two seats were allocated to the voluntary and community sector, and rather than have a standing invite, it was now considered more appropriate to invite their representatives to the meeting based on the relevance of agenda items.

(iii) The Cabinet Member for Adult Services was currently a member of HWBB as “one additional Councillor nominated by the Leader” and it was recommended that this allocation be amended to the “Cabinet Member for Adult Services” to bring it in line with other similar meetings.

(iv) The Constitution currently allows the HWBB to appoint additional persons as appropriate. It was now recommended that this be amended to give the Board the ability to amend the non-statutory or non-elected member appointments. This would enable the Board to be responsive to organisational changes. The current membership and the recommended amendments were detailed in the report.

Amendments to the Member/Officer Protocol

Following observations made at the Standards Hearing held in July 2022 in respect of elected members, the Ethics Committee proposed revisions to the Member/Officer Protocol, more specifically when they are dealing with matters that relate to their own personal interests that need to be raised with the Council and recommended to the Constitutional Advisory Panel that additional wording be inserted to Part 4D – Member /Officer Protocol, to afford greater clarity to Members.

The protocol offers guidance on some of the issues which most commonly arose in relation to Member/Officer relationships. The protocol is partly a statement of current practice and convention and in some respects, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that would be expected between Members and Officers. The protocol gives guidance only, but it may be taken into account if there was a complaint about a Member or an Officer.

The Advisory Panel recommended that the Cabinet Member recommend to Council that additional wording is added to the Protocol at paragraph 3.2(j) under the heading of “Expectations” as per the following:

“Members may occasionally find that they have a personal interest in a matter that needs to be raised with Officers. Members should be clear about their personal interest and use appropriate and formal language when contacting Officers in this instance. Close personal familiarity between individual Members

and Officers can damage the relationship of mutual respect and prove embarrassing to Members and Officers. Members and Officers are encouraged to contact the Monitoring Officer for advice if they are concerned about this.”

Severance Payments

The Department for Levelling Up, Housing and Communities has issued statutory guidance under the Local Government Act 1999 on Special Severance Payments (SSPs). SSPs are payments made to employees, office holders, workers, contractors and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payments in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are SSPs would vary according to an employee’s particular circumstances.

The Government expects that any SSPs should be approved according to the following process;

- Payments of £100,000 and above must be approved by a vote of full council
- Payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader’s approval and that of any others who have signed off the payment
- Payments below £20,000 must be approved according to the local authority’s scheme of delegation

Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, it was expected that the payment should be approved by a panel including at least 2 independent persons.

It was proposed that these additional delegations are included within the Constitution with the payments below £20,000 being delegated to the Chief People Officer.

RESOLVED that the Cabinet Member recommends that Council approves recommendations (1) to (3) below with immediate effect and authorises the Chief Legal Officer to make any necessary amendments to the Constitution:

- (1) Amendments to Constitution in respect of the Health and Wellbeing Board to:**
 - (a) Update the Membership of the Board as outlined in Table 1 of the report and;**
 - (b) Enable the Health and Wellbeing Board to approve the removal of members as well as appoint additional persons as appropriate.**
- (2) Amendments to the Officer/Member Protocol as detailed in paragraph 2.18 of the report to assist Members when they are dealing with matters that relate to their own personal interests, to raise concerns over these with the Council; and**

(3) Amendments to the delegations in the Constitution in respect of Severance Sums as detailed in paragraph 2.22 of the report in line with the Department for Levelling Up, Housing and Communities' Statutory Guidance, published in May 2022.

28. Outstanding Issues

There were no outstanding issues.

29. Any Other Business

There were no other items of public business.