

**Time and Date**

2.00 pm on Tuesday, 22nd March, 2022

Place

Council Chamber - Council House

Please note that in line with current Government and City Council guidelines in relation to Covid, there will be reduced public access to the meeting to manage numbers attending safely. If you wish to attend in person, please contact the Governance Services Officers indicated at the end of the agenda.

1. **Apologies**
2. **Minutes of the meeting held on 22 February 2022** (Pages 5 - 22)
3. **Coventry Good Citizen Award**
To be presented by the Lord Mayor and Judge Lockhart, Honorary Recorder
4. **Correspondence and Announcements of the Lord Mayor**
5. **Petitions**
6. **Declarations of Interest**

Matters Left for Determination by the City Council/Recommendations for the City Council

It is anticipated that the following matters will be referred as Recommendations. The reports are attached. The relevant Recommendations will be circulated separately.

7. **Options to Improve the Provision of Temporary Accommodation for Homeless Families Through Property Acquisition** (Pages 23 - 32)
From the Cabinet, 15 March 2022
8. **Transforming Mental Health Services** (Pages 33 - 38)
From the Cabinet, 15 March 2022
9. **One Coventry Elected Member Training and Development Strategy**
(Pages 39 - 56)

From the Cabinet Member for Policing and Equalities, 21 March 2022

10. **Proposed Changes to the Constitution** (Pages 57 - 70)

From the Cabinet Member for Policing and Equalities 21 March 2022

11. **Amendments to the Constitution - The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters** (Pages 71 - 100)

From the Cabinet Member for Policing and Equalities 21 March 2022

Item(s) for Consideration

12. **Annual Pay Policy Statement 2022/23** (Pages 101 - 114)

Report of the Director of Human Resources

13. **Question Time**

(a) Written Question – Booklet 1 (Pages 115 - 116)

(b) Oral Questions to Chairs of Scrutiny Boards/Chair of Scrutiny Co-ordination Committee

(c) Oral Questions to Chairs of other meetings

(d) Oral Questions to Representatives on Outside Bodies

(e) Oral Questions to Cabinet Members and Deputy Cabinet Members on any matter

14. **Statements**

15. **Debates**

15.1 To be moved by Councillor J Mutton and seconded by Councillor T Khan:

“Coventry City Council condemns without reservation the invasion of Ukraine by the Russian Government, led by President Putin.

Our thoughts and solidarity are with the Ukrainian people.

This war is a war brought about by Putin and is a war against democracy. Our thoughts are also with those brave Russian people who are protesting and demonstrating against Putin’s actions, despite the penalties they themselves face for daring to stand up and be counted.

We will be keeping our lines of communication with our twin City of Volgograd. Our Friendship and Twinning links are with Cities and their people, not with their National Governments. Keeping our lines of communication open could allow us to raise our concerns with our Twin City about the actions that are being taken in their name by their Government. This Council supports the suspension of all cultural, educational and sporting exchanges with Russia.

Furthermore, Coventry City Council vow to be part of any refugee dispersal programme for refugees coming to the UK from Ukraine, and we urge the Government to bring forward revised policies to allow any Ukrainian fleeing the war to enter the UK without bureaucratic barriers.

This Council pledges support to all those communities affected by this war as we will continue to be the City of Peace and Reconciliation, and a City of Sanctuary”.

15.2 To be moved by Councillor G Ridley and seconded by Councillor P Male:

“In light of the recent unprovoked Russian aggression against Ukraine this Council resolves to:

- Suspend the twinning link with Volgograd and instructs the Leader to write to the Mayor of Volgograd explaining why
- Ask the Mayor of Volgograd to issue a statement condemning this illegal invasion of Ukraine, an independent sovereign state, and do all that he can to bring to an end this military offensive (or military operation) that has caused so much suffering and loss of life
- Support and welcome Ukrainian refugees to the city
- Work with other local authorities to explore the possibility of entering twinning arrangements with cities in Ukraine”.

Julie Newman, Director of Law and Governance, Council House, Coventry

Monday, 14 March 2022

Note: The person to contact about the agenda and documents for this meeting is Usha Patel/Suzanne Bennett 024 7697 2301 / 2299

Membership: Councillors F Abbott, N Akhtar, P Akhtar, M Ali, R Auluck, R Bailey, L Bigham, J Birdi, J Blundell, R Brown, K Caan, J Clifford, G Duggins, B Gittins, L Harvard, G Hayre, M Heaven, P Hetherington, A Hopkins, J Innes, T Jandu, S Keough,

T Khan, AS Khan, R Lakha, R Lancaster, M Lapsa, J Lepoidevin, G Lloyd, A Lucas, P Male, A Masih, K Maton (Deputy Chair), J McNicholas (Chair), C Mijs, B Mosterman, J Mutton, M Mutton, S Nazir, J O'Boyle, G Ridley, E Ruane, K Sandhu, T Sawdon, P Seaman, R Simpson, B Singh, R Singh, D Skinner, R Thay, C Thomas, A Tucker, S Walsh and D Welsh

Public Access

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<https://www.coventry.gov.uk/publicAttendanceMeetings>

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However, by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you have any queries regarding this, please contact the Governance Services Officer at the meeting.

Usha Patel/Suzanne Bennett
024 7697 2301 / 2299

Coventry City Council
Minutes of the Meeting of Council held at 2.00 pm on Tuesday, 22 February 2022

Present:

Members:

Councillor J McNicholas (Chair)

Councillor F Abbott	Councillor J Lepoidevin
Councillor N Akhtar	Councillor G Lloyd
Councillor P Akhtar	Councillor A Lucas
Councillor R Bailey	Councillor P Male
Councillor L Bigham	Councillor A Masih
Councillor J Birdi	Councillor K Maton
Councillor J Blundell	Councillor B Mosterman
Councillor R Brown	Councillor J Mutton
Councillor J Clifford	Councillor M Mutton
Councillor G Duggins	Councillor S Nazir
Councillor B Gittins	Councillor J O'Boyle
Councillor L Harvard	Councillor G Ridley
Councillor G Hayre	Councillor K Sandhu
Councillor M Heaven	Councillor T Sawdon
Councillor P Hetherington	Councillor P Seaman
Councillor A Hopkins	Councillor R Simpson
Councillor J Innes	Councillor G Ridley
Councillor T Jandu	Councillor B Singh
Councillor S Keough	Councillor R Singh
Councillor AS Khan	Councillor R Thay
Councillor R Lakha	Councillor A Tucker
Councillor M Lapsa	Councillor D Welsh

Honorary Alderman: D Batten, D Chater, T Skipper, K Taylor

Apologies: Councillor M Ali, R Auluck, K Caan, R Lancaster, C Miks,
E Ruane, D Skinner, C Thomas and S Walsh

Public Business

74. Minutes of the meeting held on 18 January 2022

The Minutes of the Meeting held on 19 January 2022 were signed as a true record.

75. Coventry Good Citizen Award

On behalf of the City Council, the Lord Mayor presented John White with the Coventry Good Citizen Award. His citation read:

Since 2008 John has been the CEO of Coventry's own international children's charity, Global Care. Working tirelessly both behind the scenes and from the front line, to ensure the charity's limited resources are used wisely in supporting the poorest and most vulnerable children from all

around the world, through education, vocational training, feeding and welfare care, with results which have been transformative for thousands of needy children over the years.

John is very committed and involved with almost every aspect of Global Care's work. As well as overseeing the management of the charity at home in the UK, and the staff team, he is closely involved with the charity's international partners, spending several weeks each year travelling to often inhospitable places, building connections which allow Global Care to support children in some of the world's most fragile states - including Syria and South Sudan. In addition, John is ultimately responsible for the charity's three shops, in Coventry, Kenilworth and Bulkington, which support the broader work of Global Care, but are also committed to offering opportunities to vulnerable adults here in Coventry and the local areas.

John is highly dedicated, leads by example and is very person-centred in his approach and his dedication is so much encompassed in our Coventry's commitment to Peace and Reconciliation. He has invested so much his time, efforts, and resources to helping better the lives of young children in Coventry and across the world, his actions truly reflect his character, and he is a worthy recipient of this Coventry Good Citizen Award.

76. Correspondence and Announcements of the Lord Mayor

The Deputy Lord Mayor referred to the recent sad death of former Councillor Margaret Lancaster who died on 15th February 2022.

Margaret represented Holbrook Ward from 1993 until 2008. During this time, she was Chair of the Licensing and Regulatory Committee, Deputy Co-ordinator of the Social Care and Health Policy Co-ordinating Committee, Chair of the Care Policy Team, Chair of Health Policy Team Chair, Chair of the Health and Safety Committee, Chair of the Traffic Panel, Chair of the Social Justice Policy Team and Deputy Chair of Scrutiny Board (3). She was also the Lead Member for the Physical Disability Policy Team.

Members paid tribute to Margaret and noted that a letter of condolence had been sent to her family by the Lord Mayor and the Leader to convey sincerest condolences on behalf of the City Council.

Members then stood for a Minute silence in memory of Margaret.

77. Petitions

RESOLVED that the following petition be referred to the appropriate City Council body:

- a) Support the bid to plant an avenue of cherry trees in Caludon Park – 196 signatures, presented by Councillor A Hopkins**

- b) **Request the Council to take action to upgrade the 200m length of Birmingham Road from Neale Avenue and Rye Hill to the same standard as the recently resurfaced part of Birmingham Road. – 601 signatures, presented by Councillor J Birdi**
- c) **Request to include Cannon Park Road in the City of Coventry (Cannon Hill Road Area) (20mph Zone) Order 22 – 132 e-signatures, presented by Councillor M Heaven**

78. Declarations of Interest

There were no declarations of interest.

79. Motion without Notice

In accordance with the Constitution, a Motion without Notice was moved by Councillor M Mutton, seconded by Councillor G Lloyd and adopted that agenda items 7 (Council Tax Setting Report 2022/23) and 7 (Budget Report 2022/23) be considered together.

It was noted that, in accordance with the Constitution a recorded vote would be taken in respect of all decisions relating to matters the subject of Minutes 80 and 81 below (including any amendments).

80. Council Tax Setting Report 2022/2023

Further to Minute 82 of the Cabinet, the Council considered a report of the Chief Operating Officer (Section 151 Officer) which calculated the Council Tax level for 2022/23 and made appropriate recommendations to Council, consistent with the Budget Report 2022/23.

The report indicated that some of the figures and information set out within the report were identified as provisional, as the Police and Crime Commissioner and the Fire and Rescue Authority precepts had not been confirmed at the time of publication. Confirmation had now been received in relation to these precepts and that the figures within the report were all confirmed as accurate.

The report incorporated the impact of the Council's gross expenditure and the level of income it would receive through Business Rates, grants, fees and charges. This resulted in a Council Tax requirement, as the amount that its expenditure exceeds all other sources of income.

The report included a calculation of the Band D Council Tax that would be needed to generate this Council Tax requirement, based on the City's approved Council Tax base. The 2022/23 Band D Council Tax that was calculated through this process had increased by £52.06 from the 2021/22 level.

Each year the Government determined the maximum Council Tax increase that local authorities could set without triggering a referendum. For 2022/23 the Secretary of State had published a report which proposed that the rise in Coventry City Council's Council Tax must be below 3% in 2022/23 to avoid triggering a referendum, comprising a 1% precept for expenditure on adult social care and a maximum of 2% for other expenditure. At the time of writing, the Secretary of

State's report was subject to parliamentary approval. The recommendations within the Budget Report 2022/23 were based on a proposed increase in Council Tax of 2.9%, including a core Council Tax rise of 1.9% and a 1% Adult Social Care Precept.

The recommendations followed the structure of resolutions drawn up by the Chartered Institute of Public Finance and Accountancy, to ensure that legal requirements were fully adhered to in setting the tax. Consequently, the wording of the proposed resolutions was necessarily complex.

RESOLVED that the City Council:

1. **Note the following Council Tax base amounts for the year 2022/23, as approved by the Cabinet on 11th January 2022, in accordance with Regulations made under Section 31B of the Local Government Finance Act 1992 ("the Act"):**

(a) **84,264.3 being the amount calculated by the Council as its Council Tax base for the year for the whole Council area;**

(b) **Allesley 356.9
Finham 1,524.6
Keresley 237.0**

being the amounts calculated by the Council as its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

2. **That the following amounts be now calculated by the Council for the year 2022/23 in accordance with Sections 31A, 31B and 34 to 36 of the Act:**

(a) **£748,832,629** being the aggregate of the amounts that the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils (*Gross Expenditure and reserves required to be raised for estimated future expenditure*);

(b) **£595,438,188** being the aggregate of the amounts that the Council estimates for the items set out in Section 31A(3) of the Act (*Gross Income including reserves to be used to meet the Gross Expenditure but excluding Council Tax income*);

(c) **£153,394,441** being the amount by which the aggregate at 2(a) above exceeds the aggregate at 2(b) above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year;

(d) £1,820.40

$$\frac{2(c)}{1(a)} = \frac{\underline{\pounds 153,394,441}}{84,264.3}$$

being the amount at 2(c) above divided by the amount at 1(a) above, calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. (*Average Council Tax at Band D for the City including Parish Precepts*).

(e) £43,527

being the aggregate amount of all special items referred to in Section 34(1) of the Act. (*Parish Precepts*);

(f) £1,819.88

$$= \frac{2(d) - \frac{2(e)}{1(a)}}{1(a)} = \frac{\pounds 1,820.40 - \frac{\pounds 43,527}{84,264.3}}{84,264.3}$$

being the amount at 2(d) above, less the result given by dividing the amount at 2(e) above by the amounts at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of the area to which no special item relates. (*Council Tax at Band D for the City excluding Parish Precepts*);

(g)

Coventry (unparished area)	£1,819.88
Allesley	£1,856.73
Finham	£1,833.83
Keresley	£1,858.33

being the amounts given by adding to the amount at 2(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year of dwellings in those parts of its area to which one or more special items relate (*Council Taxes at Band D for the City and Parish*).

(h)

Valuation Band	Parts to which no special item relates	Parish of Allesley	Parish of Finham	Parish of Keresley
A	£1,213.25	£1,237.82	£1,222.55	£1,238.88
B	£1,415.46	£1,444.12	£1,426.31	£1,445.37
C	£1,617.67	£1,650.43	£1,630.07	£1,651.85
D	£1,819.88	£1,856.73	£1,833.83	£1,858.33
E	£2,224.30	£2,269.34	£2,241.35	£2,271.29
F	£2,628.72	£2,681.95	£2,648.87	£2,684.26
G	£3,033.13	£3,094.55	£3,056.38	£3,097.21
H	£3,639.76	£3,713.46	£3,667.66	£3,716.66

being the amounts given by multiplying the amounts at 2(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. Note that for the year 2022/23 the Police and Crime Commissioner for the West Midlands and the West Midlands Fire Authority have stated that the following amounts in precepts issued to the Council, in

accordance with Section 40 of the Act, for each of the categories of dwelling shown below:

Valuation Band	Police and Crime Commissioner for the West Midlands	West Midlands Fire and Rescue Authority
	£	£
A	125.03	45.35
B	145.87	52.91
C	166.71	60.47
D	187.55	68.03
E	229.23	83.14
F	270.91	98.26
G	312.58	113.38
H	375.10	136.05

4. That having calculated the aggregate in each case of the amounts at 2(h) and 3 above, the Council, in accordance with Sections 30 and 36 of the Act hereby sets the following amounts as the amounts of Council Tax for the year 2022/23 for each part of its area and for each of the categories of dwelling shown below:

Valuation Band	Parts to which no special item relates	Parish of Allesley	Parish of Finham	Parish of Keresley
	£	£	£	£
A	1,383.63	1,408.20	1,392.93	1,409.26
B	1,614.24	1,642.90	1,625.09	1,644.15
C	1,844.85	1,877.61	1,857.25	1,879.03
D	2,075.46	2,112.31	2,089.41	2,113.91
E	2,536.67	2,581.71	2,553.72	2,583.66
F	2,997.89	3,051.12	3,018.04	3,053.43
G	3,459.09	3,520.51	3,482.34	3,523.17
H	4,150.91	4,224.61	4,178.81	4,227.81

5. Determines that its relevant basic amount of Council Tax for 2022/23 is not excessive in accordance with the principles set out in the Secretary of State's report, under Sections 52ZC and 52ZD of the Act.

Note: In accordance with the Constitution, a recorded vote was taken in respect of the above Recommendations.

The Councillors voting For and Against the Recommendations were as follows:

<u>For</u>		<u>Against</u>	<u>Abstain</u>
Councillors:	Councillors:	Councillors:	Total: 0
F Abbott	M Mutton	R Bailey	
N Akhtar	G Lloyd	J Birdi	
P Akhtar	R Nazir	J Blundell	
L Bigham	J O'Boyle	M Heaven	

R Brown	K Sandhu	T Jandu
J Clifford	P Seaman	S Keough
G Duggins	B Singh	M Lapsa
B Gittins	R Singh	J Lepoidevin
G Hayre	R Thay	P Male
P Hetherton	A Tucker	A Masih
A Hopkins	D Welsh	B Mosterman
J Innes	Lord Mayor	G Ridley
AS Khan		T Sawdon
R Lakha	Total: 29	R Simpson
A Lucas		
K Maton		Total: 14
J Mutton		

Result: Carried

For: 29

Against: 14

Abstain: 0

81. **Budget Report 2022/2023**

The Cabinet considered a report of the Chief Operating Officer (Section 151 Officer), which set out the proposals for the Council's final revenue and capital budget for 2022/23.

The report followed on from the Pre-Budget Report approved by Cabinet on 14th December 2021, which had since been subject to a period of public consultation. The proposals within the report now formed the basis of the Council's final revenue and capital budget for 2022/23 incorporating the following details:

- Gross budgeted spend of £749m (£25m decrease from 2021/22)
- Net budgeted spend of £237m (£6 and 3% lower than 2021/22) funded from Council Tax and Business Rates less a tariff payment of £19.3m due to Government.
- A Council Tax Requirement of £153.4m (£7.1m and 5% higher than 2021/22); reflecting a City Council Tax increase of 4.9% detailed in the separate Council Tax Setting report on today's agenda.
- A number of new expenditure pressures and technical savings proposals.
- A Capital Strategy including a Capital Programme of £145.1m including expenditure funded by Prudential Borrowing of £23.9m.
- The updated Treasury Management Strategy, Capital Strategy and a Commercial Investments Strategy.

The financial position set out in the Budget Report was based on the Final 2022/23 Local Government Finance Settlement. Although the core funding position broadly matched that of 2021/22, the Settlement included some significant new one-off grants that will help the Council to manage the pressures it faces, in particular in relation to social care and the wider costs of inflation. The position after 2022/23 remains uncertain despite the Government's medium-term spending plans being set out in the Spending Review published in October 2021. A review of the local government financial allocation model will begin in 2022, although it is not yet

certain whether this will be completed in time for 2023/24 Budget Setting. As a result, it is not possible to provide a robust medium term financial forecast at this stage and the Council has provided some prudent planning figures for future years. Initial assumptions indicate the likelihood that there will be a substantial gap for the period following 2022/23. The view of the Chief Operating Officer is that the Council should be planning for such a position.

The Pre-Budget Report was based on an increase in Council Tax of 2.9% and this position had been maintained for the final proposals in the report now submitted. This incorporated an increase of 1.9%, which was within the Government's limit of 2% above which a referendum would need to be held plus a further 1% Adult Social Care (ASC) Precept in line with Government expectations. The Precept was trailed in the Autumn Budget Report and Spending Review 2021 and included in the Local Government Settlement as the means for councils to maintain their "core spending power". The precept was essential to enable councils including Coventry to manage increases in the costs of care. In total, the rise in Council Tax bills would be the equivalent of around £1.00 a week for a typical Coventry household including the rises in precepts for Police and Fire.

The Local Government Finance Settlement helped the Council to close the significant financial gap which it has at the start of the Budget process. Further measures include the identification of additional Council Tax resources and new commercial and other income streams. All these proposals were set out in detail in Appendix 1 of the report. Where these were different to the proposals that were included in the Pre-Budget Report, this had been indicated within the Appendix. There were no new service savings required as a result of this budget.

The proposals did not provide the Council with a balanced medium term position beyond 2022/23. The Council's current medium term bottom line incorporated a combination of future inflationary and service pressures and the fall out of uncertain specific grant resources. Some of the future funding assumptions were speculative at this stage and would be revised through 2022 as any changes to local government finance become clearer. The initial approach would however be dictated by an intention to review and update technical information as it becomes available to the Council and to identify further efficiencies from, or generate further income within, Council Services. The Council is seeking currently to update its policy priorities and these will be included as part of the 'One Coventry Plan' which will be approved later this year. Through 2022 it will also refine and implement a programme of activity designed to review how best to deliver its services, improve integration between some of them and optimise the effectiveness of others.

Whatever the future holds for national changes to local government finance the Council remained committed to strengthening its own financial self-sustainability and the need to support the vibrancy and growth of the city. Over the coming year the Council would continue to invest in and pursue activities that strengthen its existing financial interests and those of the city although this would be done within the restrictions imposed by Government in relation to access to borrowing from the Public Works Loans Board. The Council's view was that a positive and ambitious strategy would be preferable to a more passive approach which would leave the Council more vulnerable to central government and the wider pressures on local government services. The Council's existing financial resilience and its belief in

the city's long-term economic strength meant that this remained an ideal time to commit to Coventry's reset and recovery.

The recommended Capital Programme proposals were a key part of the Council's approach and amounted to £145.1m in 2022/23. The proposals reflected the Council's ambitions for the city and included: extensive highways infrastructure works including specific schemes relating to air quality, Pinchpoint schemes and the Housing Infrastructure Fund (HIF); work moving towards completion of the second office building within the Friargate district of the city; the Council's share of capital loan financing to progress the construction phase of the city's new Materials Recycling Facility; continuation of the A46 link road to the south of the city and initial stages of the City Centre South redevelopment. Over the next 5 years the Capital Programme was estimated to be £365m as part of on-going massive investment delivered by and through the City Council.

The annual Treasury Management Strategy, incorporating the Minimum Revenue Provision policy, and also the Commercial Investment Strategy were set out within the report. These covered the management of the Council's treasury and wider commercial investments, cash balances and borrowing requirements. These strategies and other relevant sections of the report reflected the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Treasury Management Code and Prudential Code for Capital Finance, as well as statutory guidance on Minimum Revenue Provision (MRP) and Investments.

The budget proposals also included additional investment for ICT licensing and assurance requirements. A proportion of this investment related to Microsoft licensing as part of the Council's Enterprise Agreement renewal, which needed to be in place by 1st April 2022. As a consequence, the report included recommendations relating to the procurement of the renewed Microsoft Enterprise Agreement covering the Council's use of the core Microsoft software packages for a three year period from 1st April 2022.

The Cabinet agreed to:

1. Authorise the procurement of a new three-year contract for a reseller for the renewal of the Council's Microsoft Enterprise Agreement for the 3 year period from 1st April 2022 (per paragraph 2.2.2 of the report)
2. Delegate authority to the Chief Operating Officer and the Director of Law and Governance to agree the contract award following the procurement process.

An amendment, as detailed in Appendix 1 to these Minutes, was moved by Councillor Sawdon, seconded by Councillor Ridley and lost.

A second amendment, as detailed in Appendix 2 to these Minutes, was moved by Councillor Ridley, seconded by Councillor Sawdon and lost.

RESOLVED that the City Council:

1. **Approve the spending and savings proposals in Appendix 1 to the report**

2. Approve the total 2022/23 revenue budget of £749m in Table 1 and Appendix 3, established in line with a 2.9% City Council Tax increase and the Council Tax Requirement recommended in the Council Tax Setting Report considered on today's agenda.
3. Note the Chief Operating Officer's (Section 151 Officer) comments confirming the adequacy of reserves and robustness of the budget in Section 5.1.2 and 5.1.3.
4. Approve the Capital Strategy incorporating the Capital Programme of £145.1m for 2022/23 and the and the commitments arising from this programme totalling £365.5m between 2022/23 to 2026/27 detailed in Section 2.3 and Appendix 4.
5. Approve the Council's Treasury Management Strategy and Minimum Revenue Provision Statement for 2022/23 in Section 2.4 and the Prudential Indicators and limits described and detailed in Appendix 6a, the Commercial Investment Strategy for 2022/23 in Section 2.5 and Appendix 5, and the Commercial Investment Indicators detailed in Appendix 6b.

Note: In accordance with the Constitution, a recorded vote was taken in respect of the Recommendations.

The Councillors voting For and Against **the first amendment** as detailed in Appendix 1 to these Minutes were as follows:

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillors:	Councillors:	Councillors
R Bailey	F Abbott	M Mutton
J Birdi	N Akhtar	G Lloyd
J Blundell	P Akhtar	R Nazir
M Heaven	L Bigham	J O'Boyle
T Jandu	R Brown	K Sandhu
S Keough	J Clifford	P Seaman
M Lapsa	G Duggins	B Singh
J Lepoidevin	B Gittins	R Singh
P Male	G Hayre	R Thay
A Masih	P Hetherton	A Tucker
B Mosterman	A Hopkins	D Welsh
G Ridley	J Innes	Lord Mayor
T Sawdon	AS Khan	
R Simpson	R Lakha	Total: 29
	A Lucas	
Total: 14	K Maton	
	J Mutton	

Result: Lost

For: 14

Against: 29

Abstain: 0

The Councillors voting for and against **the second amendment** as detailed in Appendix 2 to these Minutes were as follows:

<u>For</u>	<u>Against</u>		<u>Abstain</u>
Councillors:	Councillors:	Councillors:	Total: 0
R Bailey	F Abbott	M Mutton	
J Birdi	N Akhtar	G Lloyd	
J Blundell	P Akhtar	R Nazir	
M Heaven	L Bigham	J O'Boyle	
T Jandu	R Brown	K Sandhu	
S Keough	J Clifford	P Seaman	
M Lapsa	G Duggins	B Singh	
J Lepoidevin	B Gittins	R Singh	
P Male	G Hayre	R Thay	
A Masih	P Hetherton	A Tucker	
B Mosterman	A Hopkins	D Welsh	
G Ridley	J Innes	Lord Mayor	
T Sawdon	AS Khan		
R Simpson	R Lakha	Total: 29	
Total: 14	A Lucas		
	K Maton		
	J Mutton		

Result: Lost

For: 14

Against: 29

Abstain: 0

The Councillors voting for and against the **Recommendations** were as follows:

<u>For</u>		<u>Against</u>	<u>Abstain</u>
Councillors:	Councillors:	Councillors:	Total: 0
F Abbott	M Mutton	R Bailey	
N Akhtar	G Lloyd	J Birdi	
P Akhtar	R Nazir	J Blundell	
L Bigham	J O'Boyle	M Heaven	
R Brown	K Sandhu	T Jandu	
J Clifford	P Seaman	S Keough	
G Duggins	B Singh	M Lapsa	
B Gittins	R Singh	J Lepoidevin	
G Hayre	R Thay	P Male	
P Hetherton	A Tucker	A Masih	
A Hopkins	D Welsh	B Mosterman	
J Innes	Lord Mayor	G Ridley	
AS Khan		T Sawdon	
R Lakha	Total: 29	R Simpson	
A Lucas		Total: 14	
K Maton			
J Mutton			

Result: Carried

For: 29

Against: 14

Abstain: 0

(Meeting closed at 5.10 pm)

Conservative Group Budget proposals

Council meeting on 22nd February 2022

AMENDMENT

Budget Report 2022/23 - Amendment

	£000
<hr/>	
<u>New Spending Proposals</u>	
Additional funding for Refuse Collection Budget	400
<hr/>	
	400
<hr/>	
<u>Additional Savings</u>	
Reduce Trades Union Facilities Time	(400)
<hr/>	
	(400)
<hr/>	

Proposed by: Cllr Tim Sawdon

Seconded by: Cllr Gary Ridley

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Cabinet
Council

15th March 2022
22nd March 2022

Name of Cabinet Member:

Cabinet Member for Housing and Communities – Councillor D Welsh

Director approving submission of the report:

Director of Adult Services and Housing

Ward(s) affected:

All - City wide

Title: Options to Improve the Provision of Temporary Accommodation for Homeless Families Through Property Acquisition

Is this a key decision?

Yes - the proposals involve financial implications in excess of £1m per annum and are likely to have a significant impact on residents or businesses two or more electoral wards in the City.

Executive summary:

The Council has a statutory duty to provide Temporary Accommodation (TA) to homeless households who are eligible and have a priority need.

In order to meet demand from homeless families who require temporary accommodation of 3 or more bedrooms this report seeks permission to initially add £6m to the Councils capital programme to purchase, refurbish and manage 25 properties to use as temporary accommodation for homeless families. Subject to review, and once 25 properties have been achieved and/or £6m resource has been used the programme may be increased by a further 25 properties bringing the total to 50 properties. In completing this programme of work the City Council will focus on bringing as many Houses of Multiple Occupation (HMOs) back into family use for temporary accommodation as possible within the delivery timescales.

In addition, the Council will seek nomination agreements for a further 25 properties of 3 or more bedrooms for use as temporary accommodation from existing approved budgets.

There remains a significant demand for Temporary Accommodation from families and as of 11 February 2022 there were 83 families in 3 and 4 bedroomed nightly Temporary Accommodation. There is no indication that this number will reduce.

Previous programmes of work undertaken within the Housing and Homelessness Service has focussed on temporary accommodation for smaller families, requiring 1 or 2 bedrooms and

accommodation for single people. These initiatives have resulted in both a reduced cost and improved supply of TA.

The proposals contained within this report aim to deliver a similar set of outcomes to those achieved for smaller families and single people through both reducing the cost and improving the supply of Temporary Accommodation.

Recommendations:

The Cabinet is requested to approve:

1. That Capital resource of up to £6m is added to the capital programme to purchase, refurbish and manage 25 properties which are 3 or more bedrooms to use as Temporary Housing for homeless families.
2. That approval is sought to enable Nomination Agreements to be entered into for 25 properties which have 3 or more bedrooms for use as Temporary Housing for homeless families using existing approved budgets.
3. A further £7million to purchase, refurbish and manage properties to use as Temporary Housing for homeless families to be added to the capital programme once the £6million has been expended and/or 25 properties have been purchased in recommendation 10 above, and delegated authority be given to the Chief Operating Officer (Section 151 officer), following consultation with the Director of Adult Services and Housing, the Cabinet Member for Housing and Communities and the Cabinet Member for Strategic Finance and Resources, to ensure it continues to deliver value for money in purchasing properties to use as Temporary Housing for homeless families.
4. Delegate authority to the Chief Operating Officer (Section 151 officer), following consultation with the Director of Adult Services and Housing, the Cabinet Member for Housing and Communities and the Cabinet Member for Strategic Finance and Resources, to finalise and agree the detailed terms of the acquisitions. The authority under this delegation shall also include the power to enter into the necessary legal agreements and subsequently the power to negotiate and agree variations to the terms of such agreements.

Council is requested to approve:

1. That capital resource of up to £6m is added to the capital programme to purchase, refurbish and manage 25 properties which have 3 or more bedrooms to use as Temporary Housing for homeless families.
2. That approval is sought to enable Nomination Agreements to be entered into for 25 properties which have 3 or more bedrooms for use as Temporary Housing for homeless families using existing approved budgets.
3. A further £7million to purchase, refurbish and manage properties to use as Temporary Housing for homeless families to be added to the capital programme once the £6million has been expended and/or 25 properties have been purchased in recommendation 1 which is delegated authority to the Chief Operating Officer (Section 151 officer), following consultation with the Director of Adult Services and Housing, the Cabinet Member for Housing and Communities and the Cabinet Member for Strategic Finance and Resources, to ensure it continues to deliver value for money in purchasing properties to use as Temporary Housing for homeless families.

4. Delegate authority to the Chief Operating Officer (Section 151 officer), following consultation with the Director of Adult Services and Housing, the Cabinet Member for Housing and Communities and the Cabinet Member for Strategic Finance and Resources, to finalise and agree the detailed terms of the acquisitions. The authority under this delegation shall also include the power to enter into the necessary legal agreements and subsequently the power to negotiate and agree variations to the terms of such agreements.

List of Appendices included:

None

Background papers:

None

Other useful documents

Housing and Homelessness strategy

www.coventry.gov.uk/downloads/file/30137/housing_and_homelessness_strategy_2019

Has it or will it be considered by scrutiny?

No

Has it or will it be considered by any other council committee, advisory panel or other body?

No

Will this report go to Council?

Yes - 22 March 2022

1. Context (or background)

- 1.1. The Council has a statutory duty to provide Temporary Accommodation (TA) to homeless households who are eligible and have a priority need.
- 1.2. Over the last two years the service has successfully eradicated the use of Bed & Breakfast (B&B) for families and no family has been placed by the homeless service in B&B since 2019. This position has been achieved as a result of a number of initiatives.
- 1.3. In respect of single people requiring temporary accommodation the purchase by the City Council of Houses for Multiple Occupation has also reduced the costs and improved the financial sustainability of the service.
- 1.4. There remains a significant demand for Temporary Accommodation from families and as at 7 February 2022, approximately 330 families were living in Temporary Accommodation. Over the previous six months this number has fluctuated between 305 and 340. As of 11 February 2022, there were 83 families in 3 and 4 bedroomed nightly Temporary Accommodation. There is no indication that this number will reduce.
- 1.5. Where families require Temporary Accommodation of three or more bedrooms this demand is currently met through a combination of agreements, a voluntary sector organisation, and private landlords (nightly lets). These arrangements are short term which creates a lack of stability of supply and also high cost as the amount paid to nightly let providers is much higher than the amount of Housing Benefit the City Council can claim back as subsidy through Housing Benefit.
- 1.6. Under current Housing Benefit Legislation where the Council has direct ownership of Temporary Accommodation the recovery of Housing Benefit is much higher than any other form of Temporary Accommodation. Therefore, to maximise income and reduce the cost to the Council, this paper seeks approval to purchase properties for use as Temporary Accommodation while keeping the total housing stock owned by the Council below 200 dwellings so as to remain under the threshold set by the Secretary of State where the City Council would otherwise be required to operate a Housing Revenue Account.

2. Options considered and recommended proposal

2.1. Option 1 (recommended) – acquire properties for use as Temporary Accommodation

- 2.1.2 The recommendation would allow the service to purchase, refurbish, manage and let an estimated 25 self-contained family properties subject to the size of the properties which are purchased. The size and location will be subject to further analysis and the availability of properties for sale. They are likely to consist of 19 3-bedroomed properties and 6 4-bedroomed or larger with this split to be kept under review as purchases are made. Purchases will take place on a city-wide basis with an emphasis on bringing former HMOs back into use as temporary family housing.
- 2.1.3 The Council has a proven ability to deliver this type of project as demonstrated through the acquisition of properties to use as Temporary Accommodation, this included 6 large family homes and a number of Houses of Multiple Occupation (HMO) to accommodate single people.
- 2.1.4 If approved the same project team that successfully delivered the HMO programme would be deployed to deliver the recommendations within this report.

- 2.1.5 This recommendation keeps the property and management resource 'in house' to be delivered directly by the City Council. Not only will this allow closer management and stability as the service can ensure it accepts families that other providers may refuse, but it is considered the most cost-effective way to provide family Temporary Accommodation. Once purchased the properties would be managed by the housing & homelessness service in partnership facilities management.
- 2.1.6 These properties would be owned by the Council and 100% of all the eligible rent will be covered by Housing Benefit, significantly reducing the cost to the Council.
- 2.1.7 The rent is estimated to cover all of the associated costs with running and owning the properties such as interest on borrowing, overheads, staffing, repairs and maintenance. It will not cover capital repayments.

2.2 Option 2 (recommended) – Enter into nomination agreements for properties for use as Temporary Accommodation

- 2.1.1 Alongside the direct purchase of properties, it is possible to enter into a nomination agreement for properties from private landlords to use as Temporary Accommodation.
- 2.1.2 Any arrangement would make clear the responsibility of the landlord to repair and make the property fit for occupation within a set time period to avoid a fee reduction or a financial penalty.
- 2.1.3 This would have an impact on the Housing Benefit subsidy that could be recovered as this form of Temporary Accommodation can only claim 90% of the 2011 LHA rate.
- 2.1.4 Entering into a nominations agreement for private sector properties will be more expensive than option 1, however it would be cheaper than the current position (option 4). It also reduces the capital commitment required and can give more flexibility to cease using a particular property. By pursuing this recommendation alongside a purchase recommendation, it is likely that the total stock of available temporary accommodation could be grown at a faster rate than option one alone. Pursuing both options also enables a review of the relative merits of both options once a threshold of 25 properties has been met, before proceeding further.
- 2.1.5 Alongside the financial impact of lea there would be less control over the housing management and quality of the accommodation, however if a small number of properties were leased this would be manageable by existing resources. Lease agreements would also contain clauses meaning the lease value would not be paid should the property be unavailable due to the Landlords actions or inactions.

2.2 Option 3 (not recommended) – utilising existing Housing Association properties as Temporary Accommodation

- 2.2.1 Utilising housing Association stock as Temporary Accommodation would result in less availability for homeless households seeking permanent accommodation. Three-bedroom Housing Association stock for permanent accommodation is already limited so redesigning some of this stock for use as Temporary Accommodation would result in longer length of stays for families in Temporary Accommodation.

2.3 Option 4 (not recommended) – Continue with current arrangements

- 2.3.1 The Council could maintain its current approach to providing Temporary Accommodation to larger families through using private sector nightly let properties. Although the use of poor quality and expensive accommodation has been eliminated and no family has been accommodated in B&B for over 2 years the use of these nightly let properties means a significant financial loss through Housing Benefit collection and subsequent subsidy loss that we have an opportunity to reduce further through pursuing the recommended options.

3 Results of consultation undertaken

- 3.1 There has been no specific consultation in respect of this proposal. However general feedback from families who require Temporary Accommodation is that suitable quality and security of being able to use the accommodation for the period required is important. Through approving the recommendations, the Council improves its ability to deliver this at a reduced cost the local authority.

4 Timetable for implementing this decision

- 4.1 If approved the project team will begin to identifying properties as soon as possible. The service aims to purchase up to 25 properties within 18 months, depending on availability within the market. The intention is for a phased purchase to allow for a gradual build – up of properties undergoing refurbishment before being let to homeless households.

5 Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial Implications

5.1.1 Purchased properties – Recommendation One

- 5.1.2 The maximum amount that can be claimed for nightly let accommodation is £98 per week for any size of property whereas the City Council pays a higher level than this to landlords.
- 5.1.3 For example, a 3 bed nightly let property at £50 per night costs the Council £350 per week. In this example the Council will be required to fund £252 or 72% of the Housing Benefit in subsidy loss each week.
- 5.1.4 By replacing nightly rate TA with Council owned TA properties, the Council will reduce its annual spend on TA as all running costs will be met through HB subsidy except for the capital element of any loan repayment.
- 5.1.5 Although an ongoing revenue cost, the loan repayments clears debt and strengthen the Council's balance sheet over time.
- 5.1.6 The family TA model assumes the Council owned properties will achieve an average occupancy of 90%. This is, through experience, an achievable target as larger families tend to remain in TA for longer than smaller families. It does also allow adequate time for repairs, cleaning etc. when a tenant leaves the property. At this occupancy level, the projected savings per property are c£7k per annum.

- 5.1.7 To purchase 25 family properties, £6m of capital funding is required. The funding will cover legal fees, stamp duty land tax, purchase costs, surveys and remedial works.
- 5.1.8 The annual saving that is expected for the purchase of 25 properties is estimated to be £176k per annum. This is based on borrowing over 40 years, these savings are the net position after taking into account repayment of borrowing.

5.2 Nominations Agreement – Recommendation Two

- 5.2.1 Under the Nominations agreement the Council is expected to make a saving against nightly lets in two ways; increased subsidy and cheaper rents.
- 5.2.2 There is no additional funding required in respect of the recommendation to enter into Nomination agreements. Through entering into nomination agreements for 25 properties the City Council can expect to reduce expenditure by approximately £50k - £110k, the exact savings will depend on the rent discount achieved and the size of the properties secured through the nominations agreement.
- 5.2.3 The total anticipated savings associated with both recommended options is £226k – £286k per annum from an existing spend of £3.16m per annum.

5.3 Legal Implications

- 5.3.1 Under Section 12 of the Local Government Act 2003 the Council has a specific power to invest. The power states "a local authority may invest for any purpose relevant to its functions under any enactment or for the purposes of the prudent management of its financial affairs". This provides the Council with a power to invest in properties, for any purpose relevant to its functions (this function would have to be identified) or if the Council can show it is for the prudent management of its financial affairs. Under section 1 of the Localism Act 2011, the Council also has a power "to do anything that individuals generally may do" (the "General Power of Competence"). "Individual" means an individual with full capacity. The General Power of Competence gives the Council:
- i. power to do a thing anywhere in the United Kingdom or elsewhere,
 - ii. power to do it for a commercial purpose or otherwise for a charge, or without charge, and
 - iii. power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
- 5.3.2 Where the Council uses the General Power of Competence to do something for a commercial purpose, section 4 of the Localism Act 2011 requires that the Council must do so through a company (which has a wider definition than for the purposes of section 95 Local Government Act 2003).
- 5.3.3 The General Power of Competence is limited by any restrictions on any pre-existing powers of the Council. The General Power of Competence can be used in conjunction with existing powers, for example the section 95 trading power.

The Council has a direction under section 74(3)(d) of the Local Government and Housing Act from the Secretary of State to own up to 200 properties which are to be used for the purposes of temporary accommodation only to house the homeless. As a result the Council are not required to have a Housing Revenue Account.

The Council will not be creating any securing tenancies when licencing the properties to accommodate the homeless families.

6 Other implications

6.1 How will this contribute to the achievement of the council's key objectives / corporate priorities (corporate plan / scorecard) / organisational blueprint / LAA (or Coventry SCS)?

The provision of quality temporary accommodation for larger households meets a number of key council priorities.

6.2 How is risk being managed?

A number of risks have been identified related to this project along with mitigations:

- Risk that occupancy levels are not maintained at the properties, this will be mitigated by close housing management and performance monitoring. There is high demand for accommodation of this type and there will not be a shortage of suitable clients. The Accommodation Team have experience maintaining other properties above 90% occupancy.
- Risk that properties are not available for purchase on the open market. A review of the market has been undertaken and there are sufficient appropriate properties available.
- Risk that Benefits Legislation changes (reducing reclaimed subsidy) – there is no immediate indication that this legislation is set to change. If a change is proposed the Council would still make significant savings for the period that current legislation continued. If there was a substantial change to legislation the Council would still own an asset that could either be sold or repurposed.
- Risk that the required team structure costs are more than we can claim through HB – internal discussions in relation to team costs are being undertaken to ensure they fit within HB guidelines.
- Risk of upcoming legislative changes to EPC regulations, these changes require properties to meet minimum standards. Mitigation will involve careful consideration of properties before purchase and using capital to improve environmental efficiencies.
- Risk that the exemption regulations under section 74(3)(d) to own 200 properties could change and the Council would need to open a Housing Revenue Account (HRA). Mitigations considered that the asset could be sold or repurposed, however there is no indication of any upcoming changes or proposed changes to section 74(3)(d).
- Risk of legislative changes to licence agreements to occupy could create secure tenancies, this could create a right to buy. Mitigation considered that the asset could be sold or repurposed, however there is no indication of any upcoming changes or proposed changes to section 74(3)(d).

6.3 What is the impact on the organisation?

There will be some additional resources required to deliver and manage the properties, the cost of these staff will be met through income generated through the project.

6.4 Equalities / EIA?

No formal Equalities and Consultation Analysis has been carried out for this project. Households placed in the accommodation related to this project will be determined based on the homelessness duties owed and their specific housing need. Due to the nature of the proposal this scheme will naturally only have an impact on families.

Beyond this it is not anticipated that there will be any particular impact on any group based on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

All households affected will have a Personal Housing Plan which must take into account the applicant's individual circumstances including due regard to the public sector equality duty.

6.5 Implications for (or impact on) climate change and the environment?

In line with the Councils environmental objectives, the service aims to improve the energy efficiency of each property during refurbishment works.

6.6 Implications for partner organisations?

None

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 Martin Donovan
 Operational Lead Housing and Homelessness

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 Adult Services and Housing

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Enquiries should be directed to the above person

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
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Jim Crawshaw	Head of Housing and Homelessness	Adult Services and Housing	11/02/2022	16/02/2022
Ewan Dewar	Finance Manager	Finance	16/02/2022	17/02/2022
Martin Donovan	Housing and Homelessness Operational Lead	Adult Services and Housing	11/02/2022	16/02/2022
Michelle Salmon	Governance Services Officer	Law and Governance	17/02/2022	17/02/2022
Names of approvers for submission: (officers and members)				
Barrie Hastie	Director of Finance	-	17/02/2022	18/02/2022
Gurbinder Sangha	Corporate and Commercial Lead Lawyer	Law and Governance	11/02/2022	18/02/2022
Pete Fahy	Director of Adult Services and Housing	-	11/02/2022	16/02/2022
Councillor D Welsh	Cabinet Member for Housing and Communities	-	17/02/2022	21/02/2022

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Cabinet
Council

15th March 2022
22nd March 2022

Name of Cabinet Member:

Cabinet Member for Adult Services – Councillor M Mutton
Cabinet Member for Strategic Finance and Resources – Councillor R Brown

Director approving submission of the report:

Chief Operating Officer (Section 151 Officer)
Director of Adult Services and Housing

Ward(s) affected:

All

Title:

Transforming Mental Health Services

Is this a key decision?

Yes - the proposals involve financial implications in excess of £1m per annum.

Executive summary:

The ambitions set out in the Mental Health Implementation Plan 2019/20–2023/24, remain the foundation for the transformation of local mental health services across the Coventry and Warwickshire footprint.

To support driving that change it is proposed that the Council enter into a partnership agreement with Coventry & Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust. This is a partnership agreement whereby NHS organisations and local authorities contribute an agreed level of resource into a single pot (the pooled budget) that is then used to drive the integration and improvement of existing services.

City Council budgets are not part of this proposed pooling arrangement, with the pooled sums being provided by Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust. The Council will provide officer time and the fulfilment of hosting responsibilities.

Recommendations:

That Cabinet recommend that Council:

- (1) Approve entering into a partnership agreement with Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust to support the transformation of mental health services.
- (2) Approve that the Council is the host for the pooled budget to support the partnership arrangement.
- (3) Delegate authority to the Chief Operating Officer (Section 151 Officer), following consultation with the Director of Law and Governance, to undertake all necessary due diligence to finalise the terms of the partnership arrangement including the authority to enter into all necessary legal agreements and where necessary any contract awards to third parties to bring into effect the recommendations set out in this report.

Council is recommended to:

- (1) Approve entering into a partnership agreement with Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust to support the transformation of mental health services
- (2) Approve that the Council is the host for the pooled budget to support the partnership arrangement.
- (3) Delegate authority to the Chief Operating Officer (Section 151 Officer), following consultation with the Director of Law and Governance, to undertake all necessary due diligence to finalise the terms of the partnership arrangement including the authority to enter into all necessary legal agreements and where necessary any contract awards to third parties to bring into effect the recommendations set out in this report.

List of Appendices included:

None

Background papers:

None

Other useful documents

None

Has it or will it be considered by scrutiny?

No

Has it or will it be considered by any other council committee, advisory panel or other body?

No

Will this report go to Council?

Yes – 22nd March 2022

Report title: Transforming Mental Health Services

1. Context (or background)

- 1.1. The ambitions set out in the Mental Health Implementation Plan 2019/20–2023/24, remain the foundation for the transformation of local mental health services across the Coventry and Warwickshire footprint. National non-recurrent service development funding has been provided to support the NHS Long Term plan ambitions and additional mental health COVID recovery resources have also been provided to support the transformation of services and recovery from the pandemic. Progress to deliver the ambitions are underway, however the impact of the COVID pandemic has exacerbated difficulties in recruitment and impacted upon the ability of the Voluntary, Community and Social Enterprise (VCSE) sector and other partners to engage, which has delayed progress. Local Authority and Health partners have been reviewing how this work can best be progressed.

2. Options considered and recommended proposal

- 2.1. **Option 1 – Recommended Option:** Enter into a partnership agreement with the Council acting as host.
- 2.2. The pooling of resources and coming together of partners to drive transformation aligns to the One Coventry approach. The partnership agreement will describe the governance and practical management arrangements specifically in relation to any services to be provided using the pooled resources.
- 2.3. The regulations require that one of the partners is nominated as the host of the partnership arrangement and management of the pooled budget and this body is then responsible for the budget's overall accounts and audit.
- 2.4. The agreement will include specific details of any risk sharing arrangements in relation to the elements of the pooled budget.
- 2.5. **Option – 2 – Not recommended:** Do not enter into a partnership agreement.
- 2.6. This option was rejected as it does not provide the most effective way for the partners to come together and drive transformation of services.

3. Results of consultation undertaken

- 3.1. No specific consultation has been carried out in relation to this proposal. Discussions with partner organisations has led to the suggested approach.

4. Timetable for implementing this decision

- 4.1. The pooled budget will be set up at the end of March 2022, with the scheme deliverables expected to span 3 years.

5. **Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

5.1. Financial Implications

The pooled budget will be managed in accordance with the partnership agreement.

The value of the pooled budget will be £8m.

The City Council will not be adding any budgets as part of this proposed pooling arrangement, with the pooled sums being provided by Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust from non-recurrent service development funding and mental health covid recovery resources. The Council will provide officer time and the fulfilment of hosting responsibilities to contribute to the proposed pool.

5.2. Legal Implications

Section 75 of the National Health Services Act 2006 allows local authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources. A Section 75 agreement can only be entered into if such arrangements are likely to lead to an improvement in the way functions are exercised. The types of arrangements permitted by Section 75 include:

- The formation of a fund (pooled budget) out of which payments are made towards spending incurred in the exercise of prescribed NHS and prescribed local authority functions
- The exercise by an NHS body of the council's health related functions (and vice versa)
- The provision of staff, goods or services or the making of payments in connection with these arrangements

Regulations made under the Act set out the functions of NHS bodies and local authorities which can be the subject of a Section 75 and which may not.

Where, as here, a pooled fund is to be established, the Section 75 Agreement must specify:

- the agreed aims and outcomes of the pooled fund arrangements
- the contributions to be made to the pooled fund by each of the partners and how those contributions may be varied
- the functions which are the subject of the arrangements
- the persons and the kinds of services likely to be affected by the functions exercised by the partnership
- the staff, goods, services or accommodation to be provided by the partners in connection with the arrangements
- the duration of the arrangements and provision for the review or variation or termination of the arrangements
- how the pooled fund is to be managed and monitored, including which body or authority is to be the host partner

In addition, the Regulations require that the Agreement deals with management of the pooled fund, accounts, auditing, reporting and monitoring. Before entering into a partnership arrangement, the partners should ensure that their obligations to inform and consult interested parties are discharged where appropriate.

Law and Governance colleagues will continue to advise on any specific issues arising from this report to ensure that the Council's involvement being the host of the partnership arrangement is adequately protected including ensuring that any contract awards by the Council to third party organisations comply with the procurement regulations (where applicable) as well as the Council's Contract Procedure Rules.

6. Other implications

6.1. How will this contribute to the achievement of the council's key objectives / corporate priorities (corporate plan / scorecard) / organisational blueprint / LAA (or Coventry SCS)?

Entering into the partnership agreement and taking a One Coventry approach to the delivery of mental health services will support the Council Plan by contributing to the following objectives: Improving the quality of life for Coventry people, Improving health and wellbeing, Protecting our most vulnerable people, Reducing health inequalities and Enabling active communities and empowered citizens.

6.2. How is risk being managed?

The partnership agreement will include specific details of the risk sharing in relation to the individual elements of the programme and financial responsibility for any variation.

6.3. What is the impact on the organisation?

The pooled budget will support further integrated working between the Council and Health partners.

6.4. Equalities / EIA?

Entering into the partnership agreement provides the mechanism for further joint working to support improvements to mental health services across the city.

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

The pooled budget will support further integrated working between the Council, Coventry and Warwickshire Clinical Commissioning Group and Coventry and Warwickshire Partnership Trust.

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Ewan Dewar
Finance Manager

Service:
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Enquiries should be directed to the above person

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Chris Lonsdale	Director of Finance - Place	NHS Coventry and Warwickshire Clinical Commissioning Group	18/02/22	19/01/22
Michelle Salmon	Governance Services Officer	Law and Governance	22/02/22	22/02/22
Names of approvers for submission: (officers and members)				
Barry Hastie	Chief Operating Officer (Section 151 Officer)	-	18/02/22	18/02/22
Oluremi Aremu	Major Projects Lead Lawyer	Law and Governance	18/02/22	22/02/22
Pete Fahy	Director of Adult Services and Housing	-	18/02/22	18/02/22
Councillor M Mutton	Cabinet Member for Adult Services	-	18/02/22	18/02/22
Councillor R Brown	Cabinet Member for Strategic Finance and Resources	-	21/02/22	22/02/22

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Cabinet Member for Policing and Equalities
Council

21 March 2022
22 March 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

None

Title:

One Coventry Elected Members Training and Development Strategy

Is this a key decision?

No - Although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

The environment in which Councillors' work is constantly changing. Ensuring that Councillors are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important. Consultation with Members and officers suggest that the training offer has not kept pace with these demands and take up of what has been on offer has been low. With support from a Member Advisory Panel, improvements have been introduced over the last year and this report sets out a strategic approach to make sure that the member training offer meets current and future needs.

In 2020 consultation with Members and officers suggested that the then training offer for Members did not meet the needs of the cohort of Members and lacked Executive oversight and a strategic approach.

To address this gap, a One Coventry Elected Members Training and Development Strategy has been developed supported by a Member-led training and advisory Panel and dedicated officer time. The strategy covers:

- Purpose of the Strategy
- Assessing Need and Requesting Training
- Training Matrix
- Governance and Delivery

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

- 1) Recommend that Council approve the One Coventry Elected Members Training and Development Strategy as appended to the report
- 2) Recommend that Council approve the proposals for mandatory training for Members as identified in Section 3 and amend the Constitution accordingly

Council is recommended to:

- 1) Approve the One Coventry Elected Members Training and Development Strategy as appended to the report
- 2) Approve the proposals for mandatory training for Members as identified in Section 3. and agree that the Constitution be amended to include within the functions of each relevant Committee the requirement that all Members of those Committees shall have received appropriate training before carrying out any of the functions that are delegated to that Committee.

List of Appendices included:

Appendix A – The draft One Coventry Elected Members Training and Development Strategy
Appendix B – Data and Findings

Background papers:

None

Other useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 22 March 2022

1. Context (or background)

- 1.1 The City Council provides a range of training and support for Councillors including induction for newly elected Members, specific training to support Members in roles such as being a member of Planning Committee or Licensing and Regulatory Committee and specific topical issues as they arise. Members are also able to attend training and events run by other organisations. However, the uptake of training by Members has been low.
- 1.2 The environment in which councillors work is constantly changing. Ensuring that councillors are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important. Consultation with Members and officers suggest that the training offer has not kept pace with these demands and take up of what has been on offer has been low. With support from a Member Advisory Panel, improvements have been introduced over the last year and this report sets out a strategic approach to make sure that the member training offer meets current and future needs.
- 1.3 The Council's specific lead officer for Member Development, was deleted following a restructure in 2014. Officer time has recently been identified within the Members and Elections Team to further develop the training and development offer for Members. The training budget has also been transferred from Organisational Development to Members and Elections with the aim to be able to identify and deliver the specific requirements of Members in respect of their training and development.
- 1.4 This has enabled capacity to develop a strategy and liaise more closely with Members, including research to identify how to support Members training and development needs, to develop a comprehensive members' training programme and identify clear evidence-based recommendations for Council, in order to be able to support the development of an improved offer and more strategic approach to Members' development.
- 1.5 By analysing the information from questionnaires and interviews and assessing the training that has been offered to and attended by Members, it was clear that previous training programmes had not met the needs of those that it was designed for. If Members are to benefit from training to improve and refresh their skills and knowledge there needs to be an improved training offer, with a strategic approach, which Members want to attend and engage with.
- 1.6 In order to enable executive oversight and strategic approach to training as well as raising the profile of training with Members, a strategy has been developed to support the delivery and promotion of a members' training programme. The draft One Coventry Elected Members Training and Development Strategy can be found at Appendix A
- 1.7 The Covid-19 global pandemic has brought to the fore the important role that the Council and its Councillors play in supporting the local community. It has also provided increased opportunities for the use of technology as a communication tool. Members have risen to the challenge that meeting virtually has offered and this is an approach that could enhance and broaden the training offer to Members.
- 1.8 To oversee the governance and delivery of the strategy, a cross-party Cabinet Member Advisory Panel has been established to review Members training needs, recommend a training and development programme to the Cabinet Member, monitor delivery of, and evaluate the programme to inform future planning. This Panel has been in place since September 2021. The Terms of Reference for this Panel can be found in Appendix 1 of the draft strategy.

2. **Options considered and recommended proposal**

2.1 Option 1: Do nothing

2.2 Doing nothing would maintain the status quo with Members unable to access a comprehensive needs-assessed training programme. Currently uptake of training is low, which means that Members are not accessing training that meets their training needs.

2.3 Option 2: Support a One Coventry Elected Members Training and Development Strategy and mandatory training proposals for Members (recommended)

2.4 A comprehensive Elected Members Training and Development Strategy would enable a Member-led training needs assessment to be undertaken, to enable an offer that is attractive to Members and would support them in their role to deliver the ambitions set out in the One Coventry Plan.

2.5 The draft Strategy can be found at Appendix A. The Strategy covers:

- Purpose of the Strategy
- Assessing Need and Requesting Training
- Training Matrix
- Governance and Delivery

3. **Mandatory Training**

3.1 In order to ensure that a wide range of training and development is offered to Members, a training matrix will be developed and endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated to ensure it meets Members' training needs.

3.2 The training matrix will provide a programme of mandatory training which all Members will be required to complete throughout their term of office. In addition to this there will be role specific mandatory training for those Members with special responsibilities, or who sit on specific committees.

3.3 Mandatory training for all Members will include:

- Code of Conduct
- Fire Safety Awareness
- Safeguarding (Awareness) including Corporate Parenting
- Equality and Diversity
- Health and Safety in the Workplace
- Local Governance and Budget Setting
- Data Protection Law, Definitions and Principles with Information Security (annually)
- Mandatory induction programme for newly elected Members

3.4 Most of these training programmes are available through the Council's online learning portal, but preferred delivery style will be assessed through consultation with Members.

3.5 There will also be Mandatory training for specific roles, for those Members who sit on Licensing and Regulatory Committee, Planning Committee, Audit and Procurement Committee, Shareholders Panels and HR Appeals Panel. The Constitution will be amended to include within the functions of each relevant Committee the requirement that all members shall have received appropriate training before carrying out any of the functions that are delegated to that Committee.

3.6 This role specific training should take place on an annual basis to ensure that decision making by Members is based on the most up to date and relevant information, legislation, and guidance.

4. Supplementary Training and Development

4.1 There will also be a programme of regular in-house supplementary training, identified by regular training needs analysis through consultation with Members. This will be organised and arranged, but not necessarily delivered, internally by Council officers.

4.2 In addition to an in-house programme, Members may request to attend ad hoc one-off training requests delivered by external organisations, such as the Local Government Association (LGA). A training request pro-forma will be developed and managed by the Members Training and Development Co-ordinator. There will be a budget allocated to enable one-off requests.

4.3 Members will also be able to request additional training, where several Members have identified that a greater understanding of an issue is required and is not covered by the current offer. This will enable the training and development programme to be responsive and flexible to Members training needs.

5. Results of consultation undertaken

5.1 As part of the original research into training for Members, a questionnaire was circulated to all Members, as well as one-to-one interviews undertaken with both Members and senior officers. A summary of the research findings can be found at Appendix B.

5.2 There was also a Members' survey completed as part of the Reset and Recovery programme – "Leaders of Our Communities – Can we improve the service?" which covered several questions relating to Members' training. These are also included in Appendix B.

5.3 Part of the strategy requires regular consultation and engagement with Members as part of the planning and review process.

6. Timetable for implementing this decision

6.1 Recommendations can be implemented as soon as Council has approved the Strategy.

7. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

7.1 Financial implications

There is no cost of developing the strategy other than officer time as this will be delivered by existing officers. There is already a budget allocated for Members training and development. These proposals would be delivered within the existing budget allocation.

7.2 Legal implications

The provision of a training and development strategy and mandatory training will further the ability of Members to undertake their roles and make robust and informed decisions

8. Other implications

None

8.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

By enabling a well-trained cohort of Members with the skills and knowledge to deliver the refreshed One Coventry Plan.

8.2 How is risk being managed?

By providing the opportunity for Members to have access to good quality training and development, the risk to the organisation is reduced. Members with appropriate skills and knowledge leads to good decision making. In Councils where poor decision making has taken place, this has led to poor management and significant risks to the organisation.

8.3 What is the impact on the organisation?

By delivering the strategy more Members will have access to training, meaning the Council will be better equipped to deliver the ambitions in the One Coventry Plan.

Responsibility for managing the One Coventry Elected Members Training and Development Strategy would become the responsibility of the Members Services Manager. This has been included in the new structure for Members Services.

8.4 Equality and Consultation Analysis (ECA)

The implementation of an Elected Members Training and Development Strategy will include needs assessment in terms of accessibility, to ensure that there are no negative impacts on any protected group.

8.5 Implications for (or impact on) climate change and the environment

There will be no implications or impact on climate change or the environment as a result of implementing the One Coventry Elected Members Training and Development Strategy

8.6 Implications for partner organisations?

None.

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Names of approvers for submission: (officers and members)				
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Director: Julie Newman	Director of Law and Governance	Law and Governance	2/3/22	3/3/22
Members: Cllr AS Khan	Cabinet Member for Policing and Equalities		10/3/22	10/3/22

This report is published on the council's website:

www.coventry.gov.uk/councilmeetings

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One Coventry Elected Members Training and Development Strategy

1. Introduction

- 1.1. Through the One Coventry Plan, Coventry aims to be:
 - Globally Connected – promoting the growth of a sustainable Coventry economy
 - Locally Committed – Improving the quality of life for Coventry people
 - Delivering out Priorities with fewer resources
- 1.2. Elected Members are at the heart of this plan. They need the skills and knowledge to be able to deliver Coventry's ambitions. A well-trained and informed cohort of Elected Members is key to the success of the One Coventry Plan.
- 1.3. Elected Members are also required to work within the 7 Principles of Public Life, also known as the Nolan Principles. These are:
 1. Selflessness
 2. Integrity
 3. Objectivity
 4. Accountability
 5. Openness
 6. Honesty
 7. Leadership
- 1.4. The One Coventry Elected Members Training and Development Strategy will underpin the Nolan Principles, with the Code of Conduct being at the core of the training programme offered.
- 1.5. In order to do this the One Coventry Members Training and Development Strategy aims to provide:
 - A clear purpose
 - A framework to assess the training and development needs of Members including a clear process for Members to request one off training
 - A training matrix that provides a core mandatory training programme, as well as supplementary training for Members
 - Governance and support for the development and delivery of the strategy

2. Purpose of the Strategy

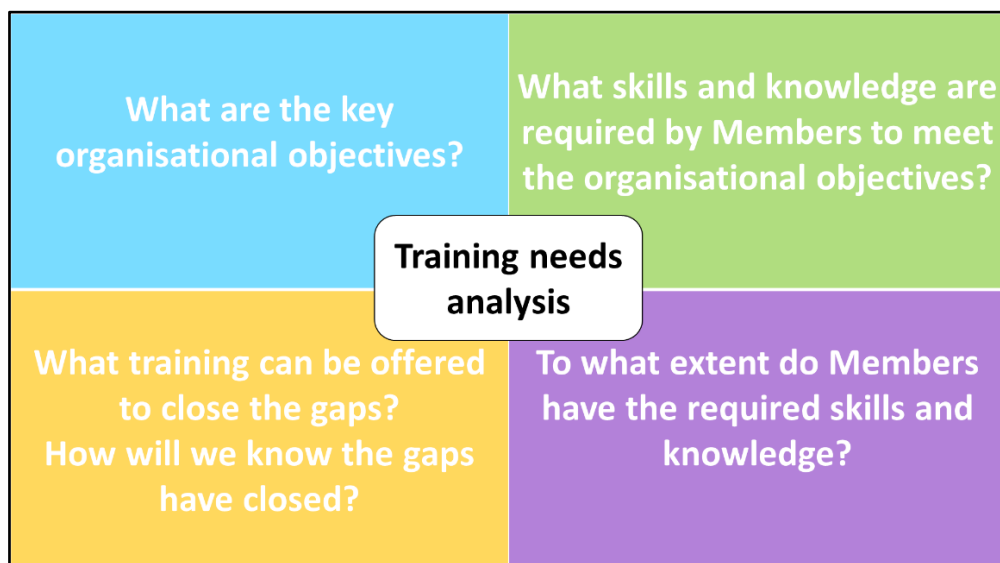
- 2.1. The environment in which councillors work is constantly changing. Ensuring that councillors are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important.
- 2.2. The Council provides a range of training and support for councillors. Members also attend training and events run by other organisations. However, the way training is organised has changed over time and there is currently no strategy to manage a co-ordinated programme of training.
- 2.3. Providing the right kind of support in a way that meets individual needs and delivering it so that it is accessible and manageable in what are already very busy diaries is challenging.
- 2.4. The purpose of this strategy is to provide the framework for Elected Members to access a programme of training that meets their needs, as well as the needs of the organisation to deliver the ambition set out in the One Coventry Plan. The strategy

One Coventry Elected Members Training and Development Strategy

will help to continue to support the development of a training culture for Elected Members.

3. Assessing Need and Requesting Training

- 3.1. Through the training needs assessment, in addition to the mandatory training offer, there will be a supplementary training offer open to those Elected Members who would like to benefit from attending training not offered as part of the mandatory programme.
- 3.2. Members will also be able to request to attend training offered by external providers, or arrange in-house training not covered by the mandatory or supplementary offer.



- 3.3. There will be eight different categories of training available to Members. Training will be categorised as either “knowledge based” or “enabling skills”, in the mandatory, role specific and supplementary training offer, as well as training by request. These will be detailed in the training matrix.
- 3.4. Training needs will be assessed through regular consultation with all Elected Members as well as senior officers within the organisation. Consultation will cover accessibility to training as well as the training subject areas, to ensure maximum take up of training by Members.

4. Training Matrix

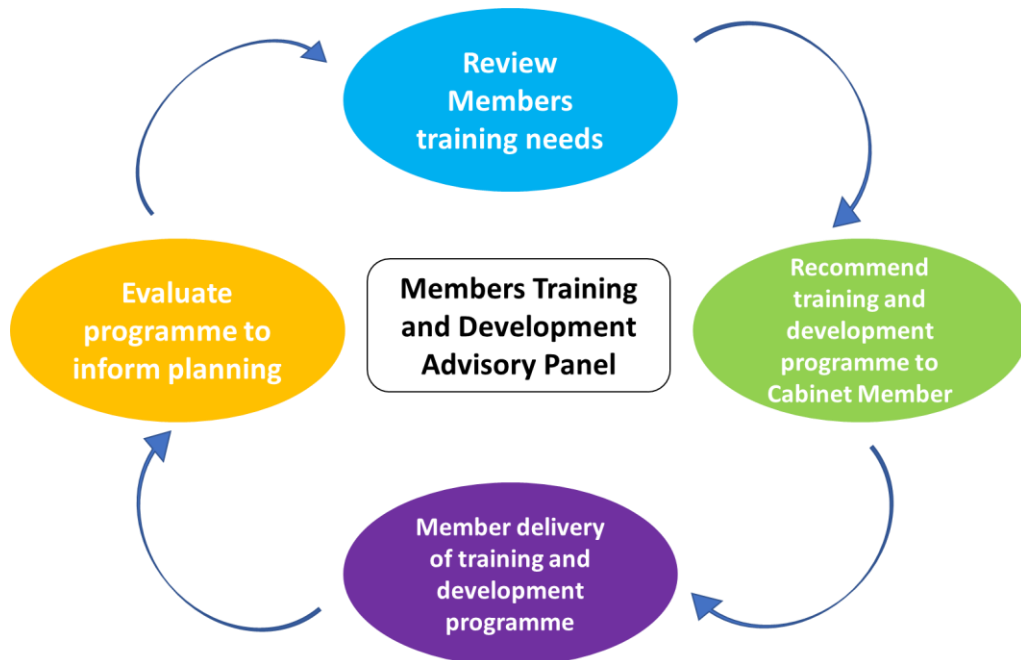
- 4.1. In order to ensure that a wide range of training and development is offered to Members, a training matrix will be developed and endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated to ensure it meets Members’ training needs.
- 4.2. The training matrix will provide a programme of *mandatory* training which all Elected Members will be required to complete. In addition to this there will be *role specific mandatory training* for those Elected Members with special responsibilities, or who sit on specific committees. These training sessions will cover both knowledge based and enabling skills.

One Coventry Elected Members Training and Development Strategy

- 4.3. There will also be a programme of regular in-house *supplementary training*, identified through training needs analysis. This will be organised and arranged, but not necessarily delivered, internally by Council officers.
- 4.4. In addition to an in-house programme, Elected Members may request to attend ad hoc *one-off training requests* delivered by external organisations, such as the LGA. A training request pro-forma will be developed and managed by Members Services. There will be a budget allocated to this
- 4.5. Members will also be able to request *additional training*, where several Members have identified that a greater understanding of an issue is required and is not covered by the current offer. This will enable the training and development programme to be responsive and flexible to Members training needs.
- 4.6. An example of a potential training matrix can be found at Appendix 1

5. Governance and Delivery

- 5.1. The programme of training and development should be regularly reviewed and evaluated to ensure that it still meets the requirements of Elected Members. In order to do this a Cabinet Member Advisory Panel made up of cross-party Elected Members and senior officers will meet on a regular basis to review Members training needs, recommend a training and development programme to the Cabinet Member, monitor delivery of the training and development programme and evaluate the programme to inform future planning.



- 5.2. Members of the advisory panel will promote the training and development programme to all Elected Members. Draft terms of reference can be found at Appendix 2
- 5.3. The Elected Members training and development programme will be delivered and supported by colleagues in Law and Governance, supported by Organisational Development.

One Coventry Elected Members Training and Development Strategy

6. Appendices

Appendix 1 - Example training matrix

	Mandatory Training	Role Specific Mandatory Training	Supplementary Training	One-off and additional training requests
Knowledge based	GDPR and Data Protection	Licensing	Health and Safety	Requests to be made by pro-forma to Members Services
	Members Induction for new Members	Planning	ICT and Digital	
	Safeguarding and Corporate Parenting	HR Appeals	Introduction to scrutiny	
	Code of Conduct			
Enabling skills	Equalities	Chairing	Personal safety	
	Using Modern.gov		Case work management	
	Social Media and Comms		Questioning skills	

Appendix 2 - Draft Terms of Reference for the Advisory Panel

1. The Panel will be constituted as a Cabinet Member Advisory Panel with representation from all political groups.
2. The purpose of the Panel is to:
 - i. review Members training needs,
 - ii. recommend a Members' training and development programme to the Cabinet Member,
 - iii. monitor delivery of the training and development programme,
 - iv. evaluate the programme to inform future planning
3. Elected Members on the advisory panel will promote the training and development programme to all Elected Members.
4. The panel will meet for a minimum of two times, each municipal year

Introduction and Background

To support the development of a training and development strategy for Members, research was undertaken to identify a baseline in terms of training delivered, take-up of training and Members views on training. As part of this initial research a questionnaire was circulated to all Elected Members during January 2019. There were also more in-depth interviews with both Members and Officers to gather qualitative data.

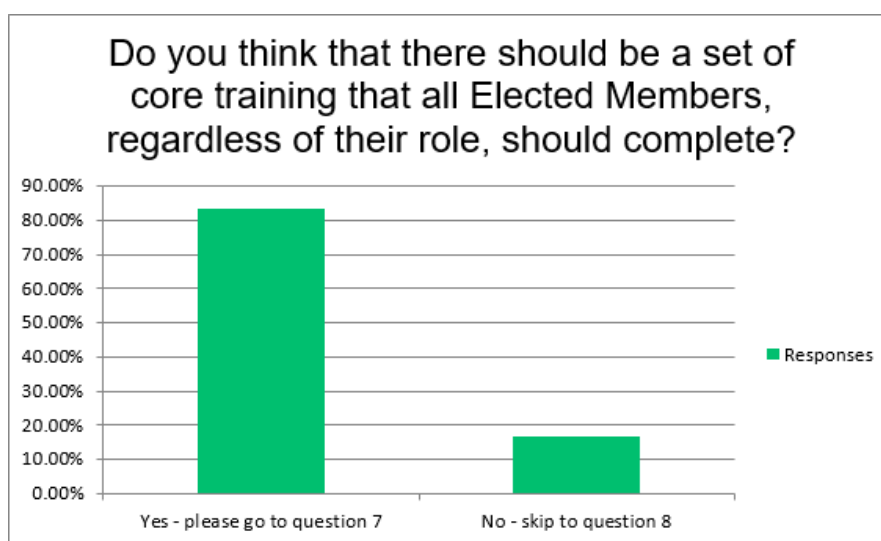
In addition to the data from the questionnaire and interviews, data on attendance at training was requested which had been recorded on the Council's data management system, however it has to be recognised that there could be some data missing as Elected Members training at that point was not always arranged and delivered centrally.

Further consultation with Members was undertaken during 2020 as part of the Covid re-set and recovery process.

The key findings of the research were as follows:

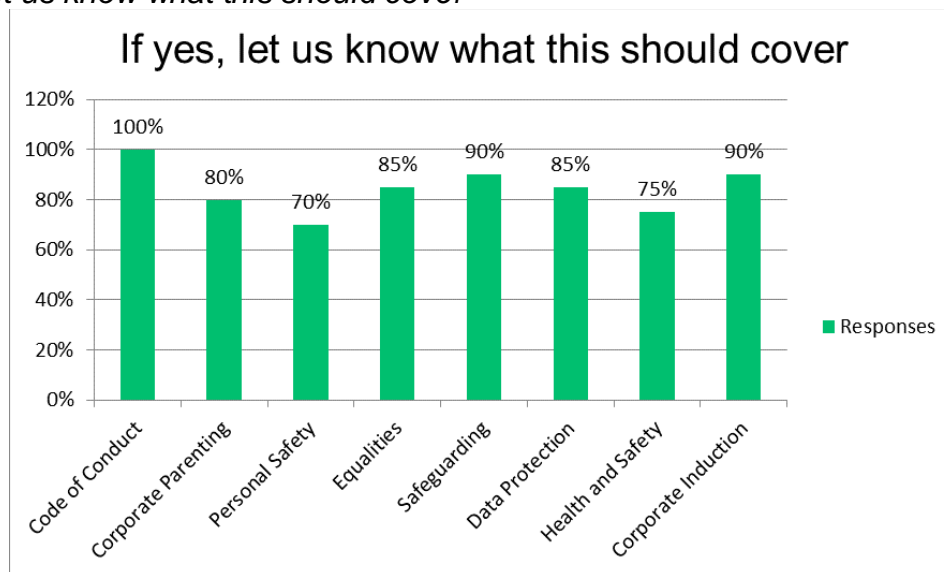
1. There are key skills and knowledge that Elected Members need, to be able to undertake their roles effectively

Do you think that there should be a set of core training that all Elected Members, regardless of their role, should complete?



Over 80% of the respondents agreed that there should be some core skills and knowledge that all Elected Members should have to carry out their role.

If yes, let us know what this should cover



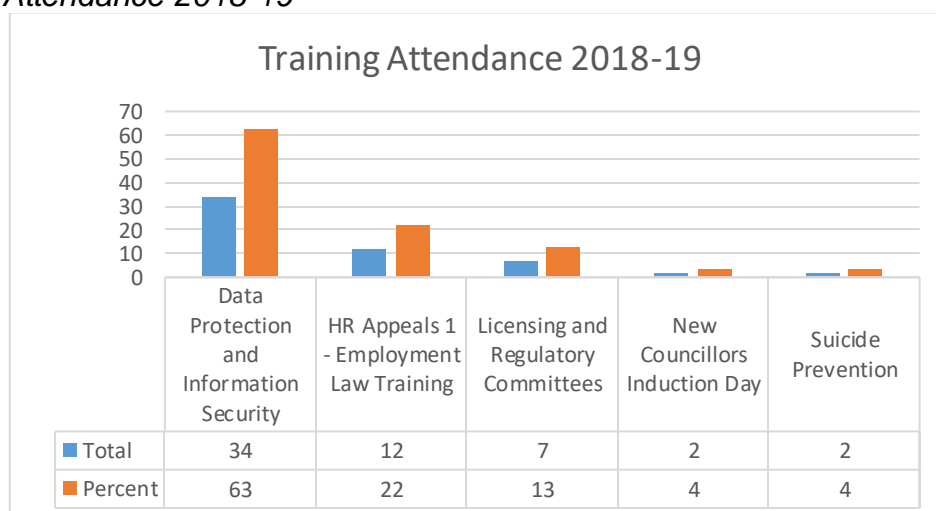
Elected Members who completed the questionnaire were also given several options as to what should be included in a mandatory training programme. 100% of the respondents thought that Code of Conduct should be included in a mandatory training programme. However, all of the options provided received 70% or more support from the respondents who thought there should be mandatory training.

This question had an “Other” option. Of the 20 responses to this question, 8 (40%) mentioned digital and social media, as part of the core offer. 2 (10%) requested that case-work training should be provided, and 2 responses suggested training that covered roles, responsibilities and expectations of Elected Members.

2. Take up of and attendance at training was low

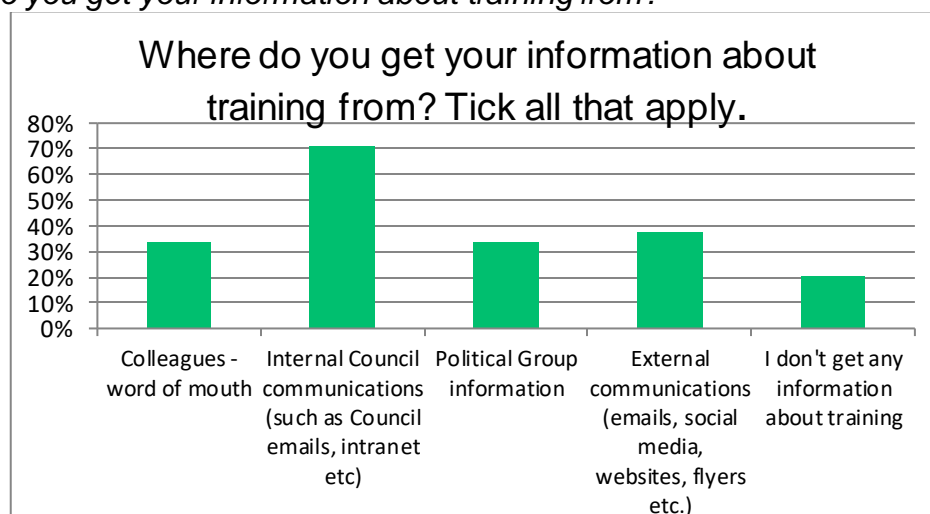
Attendance at training offered was poor. The highest attendance of 63% of all Elected Members was for Data Protection and Information Security, which was a mandatory training session for all employees and Elected Members. However, this may not reflect a true picture as there could have been training provided which was not included within these figures. This also doesn't include attendance at external training. In total there were 57 recorded training session attendances.

Training Attendance 2018-19



3. Communication with Members about training was not effective

Where do you get your information about training from?



Although internal training was circulated directly to all of Elected Members via email, 20% of respondents to the questionnaire stated that they didn't get any information about training.

Following on from this survey, there was another wide-ranging survey as part of the Political Leadership and Governance Support Pillar of the Reset and Recovery programme. Overall, there were 31 responses received to the survey out of a possible total of 54. This represents a response rate of 57 per cent. The results relating to Members' training can be seen below.

4. Have you attended Mandatory or any of the other training available to elected members?

The vast majority of respondents, 90%, answered yes to this question. (27/31)

5. If yes to training, please identify which training?

There were 23 responses, and the most frequently mentioned by just over a quarter was data protection/GDPR (6/23)

The next most popular to be mentioned were MS Teams and Licensing which were both mentioned by 3 respondents each (around 1 in 8.)

Safeguarding, scrutiny, equality and diversity and induction were each mentioned by two respondents.

Other training mentioned once included:

- Social Media
- Briefings for Conservative Group
- LGA Training-Info Plus
- Centre for Public Scrutiny
- Child Protection for School Governor
- HR Appeals
- First Aid
- Mandatory training.

6. If no to training, what has prevented you from attending the training?

There were three responses to this question:

- One person didn't feel they needed it.
- Another said they weren't offered it.
- A third said it lacked relevance as the training tended to be too basic.

7. How effective did you find the training?

There were 25 respondents and the average rating was 3.68 on a 5 point scale where 1 is not useful at all and 5 is very useful. Most ratings were in the 3 to 5 range but 2 people found the training not useful.

Rating	Number of Responses
1- Not useful	2
2	0
3	9
4	7
5- very useful	7

8. What type of training do you prefer?

30. What type of training do you prefer?

[More Details](#)

- One to One 12
- Classroom/Seminar 15
- Online videos 10
- Webinar 4
- Other 4



Of the 28 responses, the classroom/seminar option came top with over half (15/28) selecting it. Just over 4 in 10 chose the second favourite option classroom/seminar, while just over one third (10/28) favoured online videos.

9. If support was provided by webinar would you feel confident using this method of learning?

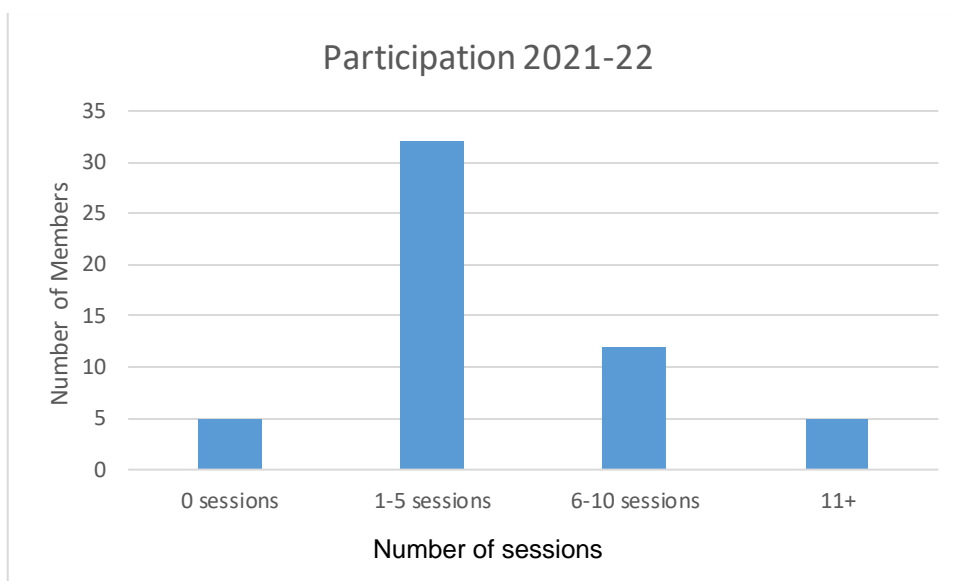
There were 28 responses and the average responses was 3.46 on a scale where 1 is "not very confident" and 5 is "very confident." There were 18% of respondents (5/28) who gave a response of 1, not very confident, while 32% (9/28) gave the top rating of very confident.

Q 31 Response Options	Number of Respondents
1-not very confident	5
2	1
3	7
4	6
5-very confident	9

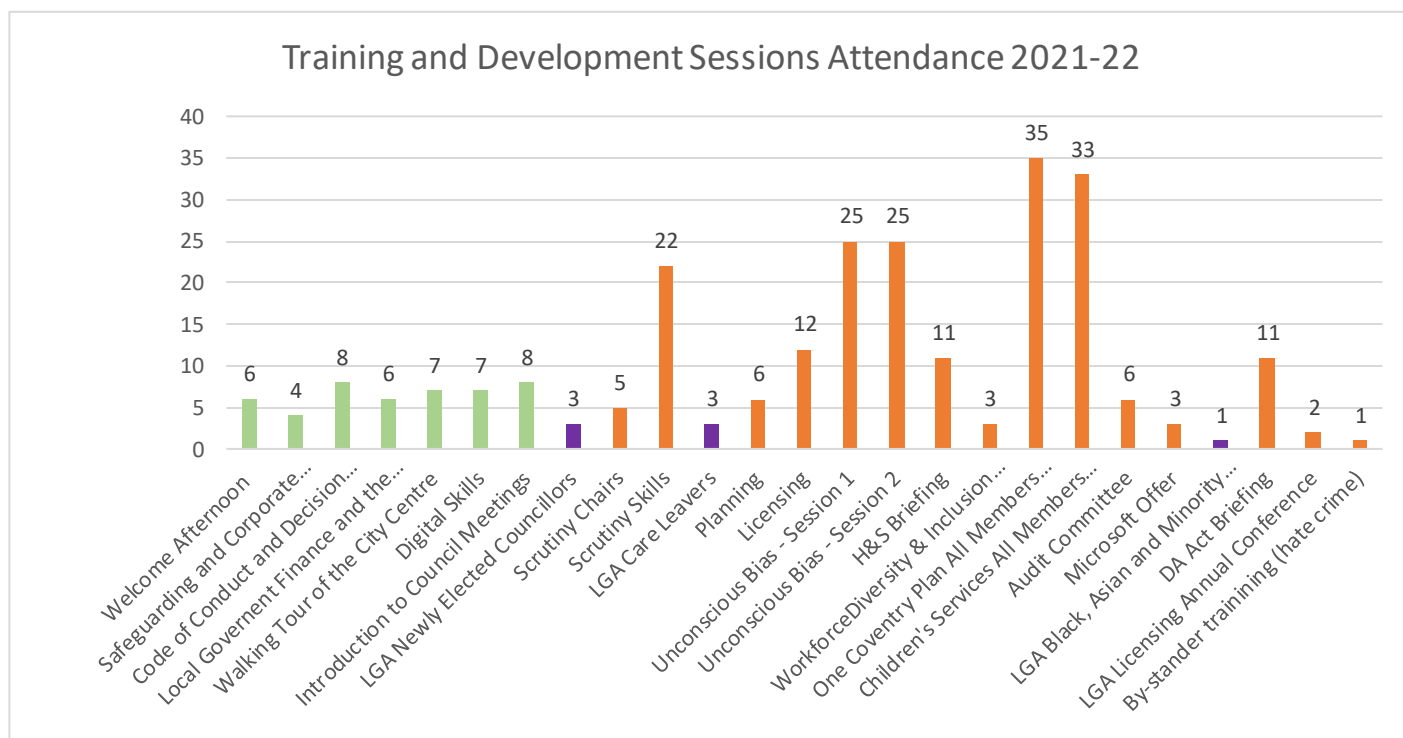
10. Training and Development 2021-22

In 2021 the budget for Members’ training was transferred to the Members and Elections Team Manager and additional capacity within the team was identified to support the development and delivery of a members’ training programme, as well as developing a wider strategy, and co-ordinate recording of attendance and participation in training and development.

As can be seen in the table below the majority of Members have attended between 1 and 5 training sessions this municipal year.



Members have been able to access 14 training and development sessions delivered internally this municipal year, in addition to offers from the LGA and seven sessions offered as part of the new members induction process. This equates to 253 recorded session attendances compared to 57 in 2018-29.



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Cabinet Member for Policing and Equalities
Council

21 March 2022
22 March 2022

Name of Cabinet Member:
Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:
Director of Law and Governance

Ward(s) affected:
None

Title: Proposed Changes to the Constitution

Is this a key decision?
No

Executive Summary:

The Constitutional Advisory Panel at its meeting on 28 February 2022 considered a number of proposed changes to the Constitution. These were:

- (a) Revisions to the Coventry Shareholder Committee Terms of Reference: Part 2N of the Constitution
- (b) Revisions to the Functions of Scrutiny, paragraph 6: Education Representatives: Part 2D
- (c) An update to the Management Structure: Part 6
- (d) Revisions to General Principles, paragraph 6: Government Consultation: Part 2A
- (e) Revisions to Taxi Licensing Delegations, paragraph 6.15: Part 2M

The Advisory Panel agreed all the proposed revisions with these exceptions or additions:

- Functions of Scrutiny: The Advisory Panel recommended that both the minimum and maximum term of office for Parent Governor Representatives be included in the Constitution.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend to Council the approval of Recommendations (1) to (5) below with immediate effect:

- (1) With regard to the Coventry Shareholder Committee Terms of Reference:
 - (a) The current maximum of 5 elected Members be increased to a maximum of 10 elected Members; and
 - (b) Approve additional wording to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

(The proposed revisions to Part 2N of the Constitution are set out in Annex A to this report)

- (2) With regard to the Functions of Scrutiny in respect of Parent Governor Representatives:
 - (a) The requirement for a Parent Governor Representative from both a maintained primary and secondary school in the City be removed (instead introducing a requirement for a generic parent governor who could technically be from any maintained school); and
 - (b) A maximum four year term of office and minimum of two year term of office for Parent Governor Representatives be inserted into the Constitution.

(The proposed revisions to Part 2D of the Constitution are set out in Annex B to this report)

- (3) Agree that the Management Structure be updated to reflect changes to staff and titles.
- (4) Approve wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.

(The proposed revisions to Part 2A of the Constitution are set out in Annex C to this report)

- (5) An addition to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the "Smoke Free Legislation" with the written permission of the City Solicitor

(The proposed revisions to Part 2M of the Constitution are set out in Annex D to this report)

Council is recommended to approve the Recommendations (1) to (5) above with immediate effect and authorise the Monitoring Officer to make any necessary amendments to the Constitution.

List of Appendices included:

- A. Annex A: Revisions to the Coventry Shareholder Committee Terms of Reference: Part 2N of the Constitution
- B. Annex B: Revisions to the Functions of Scrutiny, paragraph 6: Education Representatives: Part 2D
- C. Annex C: Revisions to General Principles, paragraph 6: Government Consultation: Part 2A
- D. Annex D: Revisions to Taxi Licensing Delegations, paragraph 6.15: Part 2M

Other useful background papers can be found at the following web addresses:

N/A

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

The proposals were considered by the Constitutional Advisory Panel at its meeting on 28 February 2022 (except where specified)

Will this report go to Council?

Yes – 22 March 2022

Report title: Proposed Changes to the Constitution

1. Context (or background)

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and needs to be updated from time to time to ensure that it reflects changes in practices within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on 28 February 2022 considered a number of proposed changes to the Constitution. These were:
 - (a) Revisions to the Coventry Shareholder Committee Terms of Reference: Part 2N of the Constitution
 - (b) Revisions to the Functions of Scrutiny, paragraph 6: Education Representatives: Part 2D
 - (c) An update to the Management Structure: Part 6
 - (d) Revisions to General Principles, paragraph 6: Government Consultation: Part 2A
 - (e) Revisions to Taxi Licensing Delegations, paragraph 6.15: Part 2M
- 1.3 Further details of the main changes proposed are set out in Section 2 of this report and more particularly in the Annexes to this report.

2. Options considered and recommended proposals

2.1 Coventry Shareholder Committee Terms of Reference

The proposed changes to the Shareholder Committee Terms of Reference are set out in **Annex A**.

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 2N - Coventry Shareholder Committee Terms of Reference there be:

- (a) an increase from the current maximum of 5 elected members to a maximum of 10 elected members at paragraph 2.1: Composition (NB minimum of 3 is to remain the same);

- 2.1.1 The recommendation was made on the basis that increasing the number of elected Members to a maximum of ten will allow for more flexibility in the event of absence, greater knowledge sharing and more diversity amongst the Committee.

Following the meeting of the Advisory Panel the following additional proposal has been identified:

- (b) additional wording is inserted to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key

Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

2.1.2 This recommendation is made on the basis that the Council is trustee for a number of charitable holdings. For example the Council is a trustee of various land owned by charities. At present there is no delegation in the Constitution for Key Decisions or other decisions that do not meet the threshold for Key Decisions in respect of these holdings. Annex A to the report details proposed wording in respect of the Constitutional Updates to delegate Key Decisions in relation to charitable holdings to the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

2.2 Functions of Scrutiny: Education Representatives

The proposed changes to the Functions of Scrutiny: Education Representatives are set out in **Annex B**.

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 2D - Functions of Scrutiny, paragraph 6: Education Representatives the introduction of:

- (a) a maximum four year term of office and minimum of two year term of office (which will be applicable to all Education Representatives);
- (b) removal of the requirement for a parent governor representative from both a maintained primary and secondary school in the City (instead introducing a requirement for a generic parent governor who could technically be from any maintained school) in keeping with the legislation in this area and to reflect the fact that Coventry now has no maintained secondary schools.

2.2.1 The Parent Governor Representatives (England) Regulations 2001 set out detailed provisions for Parent Governor Representatives (PGRs) on Scrutiny Board, including that they have voting rights, their term of office must be a minimum of 2 years and a maximum of 4 years and we must appoint at least 2 and a maximum of 5 PGRs. The maximum and minimum terms are also applicable to the other education representatives and the insertion of this wording will ensure that the terms are lawful and people in the positions know what is expected of them.

2.2.2 Where a PGR ceases to be a Parent Governor because their term of office at the school has expired, they are not disqualified from continuing as a PGR but this would only be for the term of their appointment as a PGR.

2.2.3 Part 2D of the Constitution deals with Scrutiny. In particular, paragraph 6 deals with education representatives and the Constitution divides PGRs into primary and secondary representatives. There is also nothing in the Constitution about what the term of office is which is required under the legislation.

2.2.4 There are now no maintained secondary schools left in the city and the number of maintained primary schools is also greatly reduced. The most up-to-date version of

this legislation has been checked and it is confirmed that the position remains the same and reference is only made to maintained schools but there is no stipulation that there must be a separate primary and secondary school PGR.

2.3 Update to the Management Structure

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 6 – Management Structure that:

- (a) changes to staff and job titles need to be reflected in Constitution as well as the fact that the Management Team are now known as the Strategic Leadership Team;
- (b) the changes to staff and job titles have also subsequently resulted in changes to delegations as these have been redistributed and should also be reflected throughout the Scheme of Delegation

2.4 Government Consultation Papers

The proposed changes to the General Principles, paragraph 6: Government Consultation Papers are set out in **Annex C**.

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 2A - General Principles, paragraph 6: Government Consultation Papers:

- (a) the introduction of wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.

2.4.1 The Constitution currently stipulates that unless the Government Consultation Paper is of a technical nature, all responses will be taken to Council by default. Allowance is made for where the timescale does not permit this and then allows for the matter to be decided by Cabinet.

2.4.2 Practice has shown that deadlines are often relatively short on Government Consultation Papers. Although Council meet once a month, resources are needed to be pulled together to answer the Government Consultation Paper and a consultation is required with the relevant Cabinet Member. It can be challenging to meet the deadline for the response and take the matter to Council as well.

2.4.3 It is considered that oversight with the Cabinet Member is generally adequate. The Shadow Cabinet Member is also consulted and will give the cross-party position on the matter. Where the Government Consultation is high profile or of a particular matter of substantial public importance this could still go to Council and will be drafted into the updated wording.

2.5 Taxi Licensing Delegations

The proposed changes to the Taxi Licensing delegations are set out in **Annex D**.

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 2M -Taxi Licensing Delegations, paragraph 6.15:

- (a) An addition be made to the Constitution to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the “Smoke Free Legislation” at Part 2M - Scheme of Functions Delegated to Employees, paragraph 6.15 Hackney Carriage and Private Hire Licensing Scheme of Delegation, as a new paragraph 1.

2.5.1 An officer in Taxi Licensing recently caught a persistent offender smoking in their vehicle for the third time after two fixed penalty notices (FPNs) were issued by Environmental Crime. Under the Constitution and in the Scheme of Delegation under Part 2M, para 6.10 – Director of Streetscene and Regulatory Services Delegations, and then under Environmental Crime at sub para 28(a), Heads of Service are able act in relation to “enforcement of the Smoke Free legislation”. Therefore the ability to issue FPNs, prosecute and take any other enforcement action in relation to smoking under the Health Act 2006 (and other related legislation) sits with officers in Environmental Crime. Taxi Licensing are unable to either issue FPNs or take this forward to prosecution, despite the fact that the Taxi Licensing officer in this case had the background knowledge to the offence.

2.5.2 The proposed amendment would only be intended for taxi related smoking violations similar in nature to the one described above and to ensure that that this authorisation is used correctly, prosecution would only be authorised on the written approval / consent of the City Solicitor.

2.6 **Option 1:** do nothing. This is not recommended as the Constitutional Updates identified above allow for compliance with the law, more efficient use of the Council’s resources and in the case of the Senior Leadership changes update the Constitution to reflect the current position.

2.7 **Option 2:** approve the Constitutional Updates for the reasons as detailed at Option 1.

2.8 **Recommendations:**

The Cabinet Member for Policing and Equalities is requested to recommend to Council the approval of the following Recommendations with immediate effect.

- (1) With regard to the Coventry Shareholder Committee Terms of Reference:
 - (a) The current maximum of 5 elected Members be increased to a maximum of 10 elected Members; and
 - (b) Approve additional wording to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key Decision

threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

- (2) With regard to the Functions of Scrutiny in respect of Parent Governor Representatives:
 - (a) The requirement for a Parent Governor Representative from both a maintained primary and secondary school in the City be removed (instead introducing a requirement for a generic parent governor who could technically be from any maintained school); and
 - (b) A maximum four year term of office and minimum of two year term of office for Parent Governor Representatives be inserted into the Constitution.
- (3) Agree that the Management Structure be updated to reflect changes to staff and titles.
- (4) Approve wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.
- (5) An addition to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the “Smoke Free Legislation” with the written permission of the City Solicitor.

Council is recommended to approve the Recommendations numbered (1) to (5) above with immediate effect and authorise the Monitoring Officer to make any necessary amendments to the Constitution arising.

3. Results of consultation undertaken

The proposed amendments have been considered by the Constitutional Advisory Panel who recommended their approval (except for where specified).

4. Timetable for implementing this decision

4.1 Any actions arising from this report will be implemented immediately.

5. Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage.

6.4 Equalities / EIA Implications

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage.

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Councillor A S Khan	Cabinet Member for Policing and Equalities		10/03/22	11/03/22

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Annex A: proposed wording (in italics) in respect of the Coventry Shareholder Committee

PART 2N: COVENTRY SHAREHOLDER COMMITTEE

1. Functions delegated to the Shareholder Committee

3.1 The Shareholder Committee will have responsibility for the following delegated functions except where specific functions have been delegated to an employee:

(Additional bullet point)

- *To receive reports and approve Key Decisions in respect of charitable holdings of the Council where the Council is holding the land, asset, contract etc as trustee for a charity / charities*

Annex B: proposed wording (in italics) in respect of Parent Governor Representatives

Part 2D - Functions of Scrutiny

6. Education Representatives

6.1 The Scrutiny Board responsible for Education matters will include the following:-

- (a) One person nominated by the Church of England.
- (b) One person nominated by the Roman Catholic Church.
- (c) *A maximum of two parent governors elected by the parent governors in the City in respect of either the Primary or Secondary phase of education.*
- (d) One representative from other faith groups in the City.

6.2 Such appointees, with the exception for the time being of the representative appointed under *6.1(d)* above, may speak and vote on education issues only, but may speak on other issues.

6.3 They will also be invited to attend the meetings of Scrutiny Co-ordination Committee (if it is considering a call-in on an educational matter) and of other Scrutiny Boards (if education matters are to be considered at those meetings) and may speak, but not vote upon those matters.

6.4 *Such appointees shall serve a minimum term of two years and a maximum term of four years*

Annex C: proposed wording (in italics) in respect of Consultations

Part 2A – General Principles

6. Government Consultation Papers

6.1 *Responses to Government Consultation Papers (unless the Chief Executive determines that they relate to a “technical” issue) shall be decided by Cabinet (where practicable within the timescale). Where the Government Consultation paper is high profile or of a particular matter of substantial public importance this will be decided by Council (where practicable within the timescale). Where the timescale of a Government Consultation Paper that is high profile or of a particular matter of substantial public importance does not permit consideration by Council, responses shall be decided by Cabinet. Where the timescale of any Government Consultation Paper does not permit consideration by Cabinet, responses shall be decided by the Leader, the appropriate Cabinet Member and the Deputy Chief Executive or appropriate Director following consultation with the appropriate Shadow Cabinet Member. In this last case, the appropriate Cabinet Member has the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board.*

Annex D: proposed wording (in italics) in respect of Taxi Licensing Enforcement under the “Smoke Free Legislation” – insertion of a new paragraph 1, with remaining paragraphs to be numbered 2 onwards

Part 2M - Scheme of Functions Delegated to Employees

6.15 Hackney Carriage and Private Hire Licensing Scheme of Delegation.

The following schedule lists the delegated authority for the Deputy Chief Executive and the Director of Streetscene and Regulatory Services or nominated officer, to undertake various matters on behalf of the City Council. Any matters that are not delegated must be referred to the Licensing and Regulatory Committee. This schedule supercedes and replaces all previous delegations to employees.

- 1. Generally, to take action and operate all legislative, enforcement and administrative procedures in relation to the enforcement of the Smoke Free legislation. Where a prosecution is undertaken this is only be commenced with the written authorisation of the City Solicitor.*



Cabinet Member for Policing and Equalities
Council

21 March 2022
22 March 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:

Director of Law and Governance

Ward(s) affected:

None

Title: Amendment to Constitution -

The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

Is this a key decision?

No - The decision whether to adopt a new Code of Good Practice is reserved to Council

Executive Summary:

The Members' Planning Code of Good Practice ("Model Code") was originally prepared in 2013-4 in response to a series of successful court challenges around local planning authorities and their Members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time. A copy of the Model Code is attached as Appendix A to this report.

This report seeks approval to adopt a revised Code of Good Planning Practice for Members and Employees Dealing with Planning Matters ("Revised Planning Code"), amendments to which have been made in line with the Model Code. This report also seeks approval to remove the Revised Planning Code (as adopted) from the body of the Constitution and instead append the final document to the Constitution. A copy of the proposed Revised Planning Code is attached as Appendix B to this report.

The current Code of Good Planning Practice for Members and Employees Dealing with Planning Matters ("Current Planning Code") sits in the Constitution and has been absorbed into the Constitution over time despite the fact that it is a document that was intended to be "appended" to the Constitution. As it is currently part of the Constitution, the views of the Planning Committee will be sought on the proposed revisions and any recommendations or comments from the Committee will be reported to the Cabinet Member for Policing and Equalities at his meeting on 21 March, prior to consideration by Council.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider any recommendations or comments from Planning Committee;
- 2) Approve the Revised Planning Code; and
- 3) Recommend that the Council adopt the Revised Planning Code.

Council is requested to:

- 1) Adopt the Revised Planning Code as attached as Appendix B to this Report (either in whole or with modifications) with effect from the start of the 2022/23 Municipal Year and authorise the City Solicitor to update the City Council's Constitution to remove the Revised Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution.

List of Appendices included:

- A. Members' Planning Code of Good Practice ("Model Code")
- B. Revised Planning Code

Other useful background papers can be found at the following web addresses:

'Probity in Planning' issued by the Local Government Association in 2013 and updated in 2019: <https://www.local.gov.uk/publications/probity-planning-advice-councillors-and-officers-making-planning-decisions>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes –

The Constitutional Advisory Panel - 28 February 2022

The views of Planning Committee are being sought

Will this report go to Council?

Yes – 22 March 2022

Report title: Amendment to the Constitution – Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

1 Context (or background)

1.1 The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters (the “Current Planning Code”) for Coventry City Council is currently set out in Part 4C of the Constitution.

1.2 Part 2G - Functions of Planning Committee, paragraph 4(f), states the following:

Functions Delegated to the Planning Committee

The Planning Committee will have responsibility for the following delegated functions....:

... To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning Code of Good Practice, within its terms of reference and to make the same publicly available.

1.3 Part 4C, paragraph 2.4, also states the following:

The Code will be appended to the Council's Constitution and is available to all Members, employees and members of the public.

1.4 As such the Planning Committee have authority to review the Current Planning Code and the Code is also supposed to be appended to the Constitution as opposed to being in the main body. Over time the Current Planning Code has been absorbed into the body of the Constitution. As it now sits in the Constitution, the views of the Planning Committee on the proposed revisions will be reported to the Cabinet Member for Policing and Equalities, prior to consideration by Council, who are also requested to authorise the City Solicitor to update the City Council’s Constitution to remove the Revised Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution. The Constitutional Advisory Panel considered this at their meeting on 28 February, 2022 and recommended that the Cabinet Member for Policing and Equalities approve this proposal.

1.5 The Model Code is attached at Appendix A. It was originally prepared in 2013-4 in response to a series of successful court challenges concerning local planning authorities and Members’ conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time.

1.6 The drafting of the Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

- 1.7 Following its publication, the Model Code proved to be one of the most successful and popular guidance documents produced by LLG, being adopted by councils across the country.
- 1.8 The Model Code takes into account the following:
- a) updates to the Seven Principles of Public Life (the ‘Nolan principles’);
 - b) commentary from the Committee on standards in public life;
 - c) the changes in the approach to codes of conduct;
 - d) the changes to predetermination introduced by the Localism Act 2011;
 - e) the guide on ‘Openness and transparency on personal interests’ published by the Department for Communities and Local Government 2013.
- 1.9 A Revised Planning Code, taking into account the Model Code is attached at Appendix B.
- 1.10 The Revised Planning Code, whilst broadly similar to the Model Code, contains some differences to the LLG version, in keeping with established practice at Coventry City Council. The main changes are as follows:
- a) References to “you should”, “your responsibility is” etc have been removed and replaced with “Members should”, “Members’ responsibility is etc”;
 - b) At paragraph 3.2 the word “must” is used in relation to mandatory training for Members before sitting on the Planning Committee, ensuring that all Member must be trained before they attend Planning Committee meetings;
 - c) Reference is made to the Employee Code of Conduct in regards to “Respect” at paragraph 4.2 to reiterate that this value is embedded in both the Employee and Member Codes of Conduct;
 - d) Consideration of “material interests” has been clarified at paragraph 7.3.3;
 - e) Paragraph 7.4 has been removed in its entirety as bias may not just exist in relation to Council owned land.
- 1.11 As the Current Planning Code forms part of the Constitution, any changes require approval by Council, on recommendation of the Cabinet Member for Policing and Equalities. Council are also requested to authorise the City Solicitor to update the City Council’s Constitution to remove the Current Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution in line with the wording in the Constitution as detailed earlier in this Report.
- 1.12 The views of the Planning Committee are being sought on the proposed changes and any recommendations or comments will be considered by the Cabinet Member for Policing and Equalities.

2. Options considered and recommended proposal

- 2.1 **Option 1:** Do nothing. This is not recommended as the Current Planning Code predates the Model Code and is at least nine years old.
- 2.2 **Option 2:** Approve the Revised Planning Code (either in whole or with modifications). The Revised Planning Code retains the format and style of the Current Planning Code but the updates are based on the Model Code, which was written to provide more robust rules and has been adopted by the vast majority of Local Authorities in the Country and is now seen as a best practice document. The intention is for the Revised Planning Code to be available for the start of the 2022/23 municipal year. It will also be incorporated into training provided for newly elected and existing Councillors early in the new municipal year.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider any recommendations or comments from Planning Committee;
- 2) Approve the Revised Planning Code; and
- 3) Recommend that the Council adopt the Revised Planning Code.

Council is requested to:

Adopt the Revised Planning Code as attached as Appendix B to this Report with effect from the start of the 2022/23 Municipal Year and authorise the City Solicitor to update the City Council's Constitution to remove the Current Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution.

3. Results of consultation undertaken

- 3.1 The Model Code itself was the subject of consultation at the time of writing on 2013-14.

4. Timetable for implementing this decision

- 4.1 Any actions arising from this report will be implemented from the start of the 2022/23 Municipal Year.

5. Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

- 5.1 Financial implications
There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications
There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None at this stage.

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Model Members' Planning Code

Background

The Members' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time.

The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

This 2014 update takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest as required by your members Code of Conduct.
- **Do take into account when approaching a decision that** the Principle of integrity is defined in terms that "*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships*". It is therefore advisable that you:
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your

position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that the Members' Code of Conduct may place additional limitations on you in representing that proposal
- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
 - you should send the notification no later than submission of that application where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations.

- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (**where this is granted by the authority's standing orders or by the consent from the Chair and Committee**) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
 - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the seating area for members of the Committee for the duration of that item; and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be

useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file [a profoma has been supplied to you for this purpose].

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your [ward][division] and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.

- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind);
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee

report).

- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

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PART 4C: CODE OF GOOD PLANNING PRACTICE FOR MEMBERS AND
EMPLOYEES DEALING WITH PLANNING MATTERS

1. Introduction

- 1.1 The aim of this Code is to promote good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way, and to set out the standards of conduct required of all Members and Employees in dealing with planning matters including but not limited to applications, policy development and enforcement.
- 1.2 Members and Employees of the Local Planning Authority should undertake their duties with an open mind and make planning decisions openly, impartially, with a sound judgement and for justifiable reasons. Members are also democratically accountable decision takers who have been elected to provide and pursue policies. Members are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that they have considered all material considerations and have given fair consideration to relevant points raised.
- 1.3 This Code applies to Members and Employees at all times when involving themselves in the planning process (this includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 1.4 **If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting.**
- 1.5 The Code will be appended to the Council's Constitution and is available to all Members, Employees and members of the public.

2. Relationship to the Member and Employee Codes of Conduct

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**Part 4C– Code of Good Practice for Members and
Employees Dealing with Planning Matters**

- 2.1 The rules in the Member and Employee Codes of Conduct must always be complied with and should be applied first.
- 2.2 The rules in this Planning Code of Good Practice should be applied thereafter. These rules seek to explain and supplement the Member and Employee Codes of Conduct for the purposes of planning.
- 2.3 Failure to abide by this Code of Good Practice may put:
 - 2.3.1 The Council at risk of legal challenge; and
 - 2.3.2 Members at risk of either being named in a Code of Conduct Complaint and report made to the Standards Committee or Council, or if the failure is also likely be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

3. Training

- 3.1 The Council provides training for new Members of the Committee. The Council also provides regular training for all Members of the Planning Committee on matters relevant to developments in planning law and procedure.
- 3.2 Members must not participate in decision making at Planning Committee Meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.
- 3.3 Members and Employees must endeavour to attend any other specialised training sessions provided, since these will be designed to extend knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist them in carrying out their roles properly and effectively.

4. The Relationship of Councillors and Employees

- 4.1 In the planning process, Members and Employees perform different functions. Members represent the whole community and not just people in a particular area, ward or parish.
- 4.2 A successful relationship between Members and Employees can only be based on mutual trust and respect and understanding of each other's position. Respect is a value embedded within both the Member and Employee Codes of Conduct.

5. Declaration of Interests

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- 5.1 Provisions in the Member and Employee Codes of Conduct as regards declarations of interests, will apply equally to proceedings before the Planning Committee.
- 5.2 It is the responsibility of individual Members and employees to make the necessary declarations. Where advice is needed, this may be obtained from the Monitoring Officer or one of his or her staff. Advice should be obtained early and preferably **well before** any meeting takes place.
- 5.3 Members should take into account when approaching a decision as to whether to make a declaration, that the Principle of integrity is defined in terms that “*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships***”. It is therefore advisable that Members and Employees:
- 5.3.1 Should not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of the Member or Employee’s position. This would include where the Member or Employee has a disclosable or other personal conflict of interest in a proposal and using their position to discuss that proposal with Members or Employees when other members of the public would not have the same opportunity to do so.
- 5.3.2 Should note that they are not prevented from seeking to explain and justify a proposal in which they may have a conflict of interest to an appropriate officer, in person or in writing, but that the Member and Employee Codes of Conduct may place additional limitations on them in representing that proposal.

6. Declaration of Contacts

'Contacts'

The City Council’s Planning Committee operates a system for declaring 'contacts' received by Committee Members and certain employees in respect of planning applications appearing before the Committee for a decision.

6.1 What is a 'Contact'?

6.1.1 "A contact is any form of communication received from any person or group of persons in respect of a planning application".

6.1.2 The following information should be declared about the 'contact':

- (a) the application it relates to,

- (b) the contents of the communication (e.g. lobbying for or against the application or a request for information).

6.2 Members Declaration of 'Contacts'

- 6.2.1 Members of the Committee must declare all contacts they have received on all planning applications appearing on that meeting's agenda at the start of the meeting under the item headed 'Contacts' or when that application is called for consideration at the meeting. Contacts received from other Council Members must also be disclosed.
- 6.2.2 Where numerous persons belonging to the same group or residents' association etc contact a Member of the Committee, then this may be declared as a single contact from that group or residents association or as the case may be.
- 6.2.3 'Contacts' received may also take the form of lobbying of Committee Members. In those cases, the advice given below in respect of lobbying may be followed.
- 6.2.4 In all cases of contacts, Members of the Committee should not indicate whether they are favourably or unfavourably disposed towards an application and that they, as a Member of the Committee, will await the Committee meeting before expressing a view on the application. They should consider advising the contact to communicate with planning employees.
- 6.2.5 Members should always advise contacts that they will need to disclose their communication under the 'contacts' rule at the Committee meeting. Where contacts refuse to reveal their identity, Members must judge whether they should terminate the communication as soon as can be.
- 6.2.6 'Contacts' are **not** interests and declaring a contact is **not** a substitute for declaring an interest where one exists. The rules for declaring interests operate independently from the 'contacts' scheme.
- 6.2.7 For the avoidance of doubt, where any Member of the Planning Committee is approached by an applicant or objector seeking to have a particular application dealt with by the Committee, rather than under delegated powers, then this must be disclosed as a "contact".

6.3 Employees' Declarations of 'Contacts'

- 6.3.1 Planning employees will make their disclosures of contacts in the written Committee report or orally where they have occurred after the written report has been published.
- 6.3.2 Certain matters (which would otherwise be contacts) will be excluded from what amounts to declarable contacts by employees (this is

because they are a necessary part and parcel of the exercise of assessing the application). These will be communications from:

- (a) the applicant and/or their representative
- (b) third parties as required by law or national guidance, such as statutory undertakers or statutory consultees
- (c) Council employees consulted for their technical assessment of matters arising from their application such as environmental, health and highways matters
- (d) other planning employees acting in that capacity.

7. Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

- 7.1 Members must not fetter their discretion and therefore their ability to participate in planning decision making by approaching the decision with a closed mind. Fettering discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 7.2 Members should be aware that they are entitled, and are often expected, to have expressed views on planning issues and these comments have an added measure of protection under the Localism Act 2011.
- 7.3 Members should keep at the front of their mind that, when they come to make the decision, they:
 - 7.3.1 must keep an open mind and hear all of the evidence presented, both the officers' presentation of the facts and their advice and the arguments from all sides,
 - 7.3.2 are not required to cast aside views on planning policy held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised,
 - 7.3.3 should be aware of the importance of material considerations and must disregard considerations that are non-material. Members should be aware that when making decisions on planning applications they

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- must do so in accordance with the Council's Development Plan document unless material conditions indicate otherwise.
- 7.3.4 are to come to a decision after giving what they feel is the right weight to those material considerations.
- 7.4 Members should consider themselves able to take part in the debate on a proposal when acting as part of a consultee body (where the Member is also a member of the parish council, for example, or both a district/borough and county councillor), provided:
- 7.4.1 the proposal does not substantially affect the well being or financial standing of the consultee body
- 7.4.2 the Member makes it clear to the consultee body that
- (a) their views are expressed on the limited information before them only,
 - (b) they reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and they hear all of the relevant information and
 - (c) they will not in any way commit themselves as to how they or others may vote when the proposal comes before the Committee.
- 7.5 Where a Member has a disclosable interest, that prevents them from participating, they should explain that they do not intend to speak and vote as a member of the Committee because they will be perceived as having judged (or they reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes (Use the disclosure form provided for disclosing interests.)
- 7.6 Members may take the opportunity to exercise their separate speaking rights as a Ward/Local Member (where this is granted by the authority's standing orders or by the consent from the Chair) where they have represented their views or those of local electors and

fettered their discretion, but do not have a disclosable or other personal conflict of interest. Where Members do:

- 7.6.1 advise the Chair that they wish to speak in this capacity before commencement of the item
- 7.6.2 remove themselves from the seating area for members of the Committee for the duration of that item and
- 7.6.3 ensure that their actions are recorded.

8. Development Proposals Submitted by Councillors and Employees

- 8.1 The Council has a 'safeguard' requiring any application where a Council Member or officer in Planning have a material interest in the application to be decided by the Planning Committee itself.
- 8.2 Where the Member who has such an interest is also a Member of the Committee, then they should declare an interest and leave the meeting whilst that application is considered.
- 8.3 No planning officer will be the case officer, will advise Committee or be the decision-maker under delegated authority where they:
 - 8.3.1 are related to the applicant or their agent,
 - 8.3.2 know the applicant or their agent in a personal capacity,
 - 8.3.3 know any of those persons making representations on the application,
 - 8.3.4 have any other material interest in relation to that matter.

9. Development by the Council

Proposals for development by the Council should be treated in the same way as those of private developers and in accordance with current Government guidance.

10. Lobbying of and by Councillors

- 10.1 Lobbying is a normal and perfectly proper part of the political process. Those who are affected by a planning decision will seek to influence it. However, care is needed to ensure that the impartiality and integrity of a Councillor is not called into question.
- 10.2 When being lobbied, Members of the Committee should not express an opinion on the application. If Committee Members do express an opinion, they must take care to indicate that they have not made up their mind on the application until they have heard all the arguments at Committee.

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- 10.3 If lobbied, Members of the Committee should encourage the lobbyist to contact the relevant planning officer to express their views to them.
- 10.4 Members must take into account the views of their constituents but Members of the Committee must act also openly and fairly and listen to all evidence presented at the Committee. Committee Members must not make a commitment beforehand either for or against a proposal. To do so may prejudice that Member's impartiality.
- 10.5 The planning process is one of formal rules and procedure involving a right of appeal and possible legal action. Where any expectation as to fairness has not been met, then an aggrieved party may seek remedy through the Courts or by complaint to the Ombudsman on grounds of maladministration.
- 10.6 If the application is such that a Member of the Committee feels they must adopt a public stance in respect of an application, then that Member may have difficulty in arguing at Committee that they have been impartial and even-handed in considering that application. In those circumstances, it may be better for that Member to make an open declaration and not to vote on the application.
- 10.7 In all cases it is a matter for the individual Member as to whether they can maintain a position of impartiality up to and including the Committee meeting which decides the application.
- 10.8 In respect of lobbying, the City Council's Planning Committee operates a system of declaring 'contacts' in respect of planning applications to be dealt with by the Committee. Again it is the responsibility of each Member of the Committee to declare the 'contacts' they receive. Lobbying of Members of the Committee will amount to a 'contact' under the scheme and will need to be declared by Members of the Committee at the appropriate Committee meeting.
- 10.9 Members of the Committee should not organise support for or opposition to a planning application and should not lobby other Committee Members. Such actions can easily be misunderstood by parties to the application and by the general public. Members should not put pressure on employees for a particular recommendation in respect of an application.
- 11. Pre-Application Discussions**
- 11.1 Such discussion between developers and Employees and Members can be of great benefit. But such discussions, especially if they occur just before or after the making of an application, must occur within clear guidelines.
- 11.2 It should be made clear that such discussion will not bind the Council to making a particular decision.

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- 11.3 Advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between employees. Planning judgements involve balancing a number of policies and material considerations and officers and members may place different weight to each of the issues considered.
- 11.4 Care must be taken to ensure that advice is not partial (nor seen to be).
- 11.5 Development Forums may be established to enable the engagement of Councillors and members of the public. These are detailed in the Planning Committee Procedure Rules which are publicly available.
- 11.6 In addition, in respect of presentations by applicants/developers Members of the Planning Committee should:
- 11.6.1 Not attend a planning presentation without requesting an officer to be present.
- 11.6.2 Ask relevant questions for the purposes of clarifying your understanding of the proposals.
- 11.6.3 Remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- 11.6.4 Be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.
12. **Employee Reports to Committee**
- 12.1 The basis of the Committee's consideration of a planning application should be the employee's written report. This helps to clarify the nature of applications and the context in which a decision needs to be made. Written reports help to ensure consistency of decision-making and clear reasoning behind recommendations. This is not only a matter of good practice but because failure to do so may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under section 54A of the Town and Country Planning Act 1990 (as amended).

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- 12.2 All reports should comply with the following points of good practice:
- 12.2.1 Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted.
 - 12.2.2 Reports should include a clear exposition of the relevant development plan policies, site or related history and any other material considerations.
 - 12.2.3 Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.
 - 12.2.4 Reports should contain technical appraisals which clearly justify the recommendation.
 - 12.2.5 If the report's recommendation is contrary to the provisions of the development plan, the reasons justifying the departure must be clearly stated.
13. **Public Speaking at Planning Committee**
- 13.1 Members of the public are not permitted to communicate during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
 - 13.2 The public speaking scheme does not apply to applications decided under officer's delegated authority. In those cases members of the public are still entitled to submit their comments and views on the application for employees to consider.
 - 13.3 The rules of the Public Speaking Scheme are set out in the Planning Committee Procedure Rules which are available from the Council. The aim of the scheme is to elicit a broad range of opinions on the application in order to increase public participation and to help the Committee in its decision making.
 - 13.4 A Guide to Public Speaking at Planning Committee has been produced and is also available from the Council.
14. **Decisions Contrary to Officer Recommendations and/or the Development Plan**
- 14.1 The law says that decisions must be made in accordance with the development plan where relevant unless material considerations indicate otherwise (section 38 of the Planning and Compulsory Purchase Act 2004).

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- 14.2 Applications not in accordance with the development plan must be identified as soon as possible and, if required, advertised as such.
- 14.3 If it is intended to approve such applications then the material considerations leading to this conclusion must be clearly identified and how these considerations justify overriding the development plan be clearly demonstrated. The application may then have to be referred to the First Minister, depending upon the type and scale of the development. If the officer's report recommends that permission be granted for a proposal involving such a departure, the justification for this should be included in full in that report.
- 14.4 If the Planning Committee makes a decision contrary to the officer's recommendations (whether for grant or refusal of permission), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.
- 14.5 The officer should also be given the opportunity to explain the implications of the contrary decision and, if appropriate, legal advice should be sought. Such reasons should be clear and convincing. The personal circumstances of the applicant will rarely provide such grounds.
- 14.6 Where a decision is made contrary to the recommendation (whether to approve or refuse), the Committee will be required to provide conditions on the grant of a permission or reasons for refusal, as the case may be. In such cases and where necessary the Committee may consider delegating to employees the task of drafting conditions or reasons.

15. Regular Review of Decisions

When undertaking sites visits (see the Planning Committee Procedure Rules, available separately) in connection with planning applications, Members will take the opportunity, where appropriate, to visit sites within the locality in order to review completed developments. This will enable Members to assess the quality of developments in accordance with the Committee's decision and in line with the Council's policies and guidelines. Such visits are intended to improve the quality and consistency of decision-making and thereby strengthen public confidence in the planning system.

16. Complaints Procedure

- 16.1 Any complaints received will be dealt with under the Council's complaints procedures.
- 16.2 Record keeping should be complete and accurate to allow complaints to be fully investigated. This is especially so where decisions are taken under delegated powers and there is no report to Committee. In

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all cases the planning file should be an accurate record of event during that application's life.

Council

22 March 2022

Name of Cabinet Member:

Cabinet Member for Strategic Finance and Resources – Councillor R Brown

Director Approving Submission of the report:

Director of Human Resources

Ward(s) affected:

None

Title:

Annual Pay Policy Statement 2022/23

Is this a key decision?

No

Executive Summary:

Local Authorities are required by sections 38 and 39 of the Localism Act 2011 to produce an annual Pay Policy Statement. The Statement must articulate the City Council's policies towards a range of issues relating to the pay of the workforce, particularly the most senior staff (or "chief officers") and the relationship of their pay to the lowest paid employees. The proposed annual Pay Policy Statement for 2022/23 is attached as Appendix 1.

Recommendations:

1. Council is recommended to approve the Annual Pay Policy Statement 2022/23 attached at Appendix 1.

List of Appendices included:

Appendix 1 Annual Pay Policy Statement 2022/23
Appendix 2 Local Government Pension Regulations Statement

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 22 March 2022

Report title: Annual Pay Policy Statement 2022/23

1. Context (or background)

- 1.1 The purpose of the Pay Policy Statement is to ensure transparency and accountability with regard to the Council's approach to setting pay. The Pay Policy Statement when approved by Council, is publicised on the Council's website in accordance with the requirements of the Localism Act 2011. The Policy Statement is particularly required to highlight the relationship between the pay and remuneration of the most senior staff (chief officers) and the general workforce. The Council's statement of policy on the Local Government Pension Scheme (LGPS) Regulations 2013 is also attached at Appendix 2.
- 1.2 Guidance on the development of Pay Policy Statements states that authorities should explain their policy in respect of chief officers who have been made redundant and later re-employed or engaged under a contract of service, and also their approach to any shared arrangements in place.
- 1.3 The City Council's policy is to not re-employ or re-engage previous employees within five years, if they have left as part of any voluntary redundancy/early retirement programme. It is not envisaged that any Chief Officer who leaves the Council with a severance or redundancy payment will be considered for further employment with Coventry or for the hiring of their services in another capacity save in exceptional circumstances.
- 1.4 There are not currently shared arrangements in place.

2 Options considered and recommended proposal

- 2.1 Council is recommended to approve the annual Pay Policy Statement for 2022/23 to ensure compliance with the Localism Act 2011.

3 Results of consultation undertaken

- 3.1 There is no requirement to consult on the Pay Policy Statement.

4. Timetable for implementing this decision

- 4.1 The proposed Pay Policy Statement will be effective for the financial year 2022/23. Where actual earnings levels are referred to therein, these represent the latest figures available i.e. 2021/22.

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

5.1 Financial Implications

The costs associated with the implementation of the Pay Policy are built into the City Council's budget planning process. One-off costs arising from the termination of employment are met from specific reserves set aside for this purpose.

5.2 Legal implications

The agreement to and the publication of an Annual Pay Policy Statement is a requirement of sections 38 and 39 of the Localism Act, 2011.

6. Other implications

6.1 How will this contribute to achievement of the Council's Plan?

To assist the effective delivery of key objectives and corporate priorities the City Council must ensure key principles provide the foundation for the determination of the pay and grading of employees.

6.2 How is risk being managed?

By adopting a Pay Policy Statement as attached at Appendix 1 the City Council is compliant with the Localism Act 2011.

6.3 What is the impact on the organisation?

This document outlines the key principles for Coventry City Council's pay policy for 2022/23

6.4 Equalities / EIA

As a consequence of the Equality Act and the National Joint Council (NJC) Conditions of Service the City Council is committed to ensuring equal pay principles and practice are consistently applied. The Council also publishes its Gender Pay Gap in accordance with statutory requirements

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None

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Members: Councillor R Brown	Cabinet Member for Strategic Finance and Resources		3/3/22	10/3/22

Appendix 1

Coventry City Council – Annual Pay Policy Statement 2022/23

1. Introduction and Purpose

1.1 Under section 112 of the Local Government Act 1972, the Council has the power “to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement sets out the Council’s approach to setting the pay of its employees as required.

1.2 Coventry City Council is committed to operating consistent and equitable pay arrangements for all employees. The Pay Policy Statement is required to set out the Authority’s policies for the financial year relating to:

- The remuneration of its chief officers (this includes Chief Executive, Deputy Chief Executive, Directors and other senior Managers)
- The remuneration of its lowest paid employees
- And the relationship between them

1.3 The Pay Policy Statement is required to state:

- The definition of ‘lowest paid employees’ for the purposes of this statement
- The Authority’s reasons for adopting this definition

1.4 The Statement is also required to state the level and elements for each chief officer on the following:

- Remuneration on recruitment
- Increases and additions to remuneration
- The use of bonuses
- The approach to payment on their ceasing to hold office under the authority or being employed by the authority
- The publication of and access to information relating to their remuneration

1.5 It should be noted that the Pay Policy Statement does not include information relating to the pay of Teachers or Support Staff in schools who are outside the scope of the Localism Act.

2. Current Pay Structure

2.1 The Council uses the National Joint Council (NJC) for Local Government Services Job Evaluation Scheme and the national pay spine as the basis for its local grading structure to determine the salaries of the vast majority of the non-school based workforce.

2.2 Progression within the grading structure is based on the payment of increments until the top of the grade is reached.

2.3 Any changes to the current grading structure during the year 2022/23 will be subject to approval of Council.

2.4 A similar incremental approach is also applied to other groups of employees who are governed by relevant national negotiating bodies, including the Soulbury Committee.

2.5 Increments for those centrally employed on teachers’ terms and conditions are based on performance in accordance with their national agreement.

2.6 Chief Officers and other senior managers’ posts are evaluated in accordance with the Local Government Job Evaluation Scheme for senior managers. Performance is reviewed on an annual basis and may result in the award of an increment within the respective grade.

2.7 The above policies apply except where the operation of the Transfer of Undertakings (Protection of Employment) Regulations, or other statutory provision, dictate otherwise.

2.8 Where a Chief Officer or senior managers is appointed under a 'contract for service' rather than as an employee, the Council's 'contracts for services' arrangements are in place to ensure that maximum value for money is secured. Currently, Coventry City Council does not currently employ any Chief Officers or senior managers under a contract for service but if this was the case, we would apply the 'contracts for services' arrangements.

3. Legal Context

3.1 This policy is in operation to ensure that Coventry City Council meets its obligations under relevant legislation including the Localism Act 2011.

3.2 With regard to the equal pay requirements contained within the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000 and Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Agency Workers Regulations 2010, the Council ensures there is no pay discrimination in its pay structures and that all pay differentials are objectively justified through the use of an equality-proofed job evaluation mechanism, which directly relates salaries to the requirements, demands and responsibilities of the role.

3.3 The Council also publishes its Gender Pay Gap annually.

4. Chief Officers Remuneration

4.1 For the purposes of this statement, Chief Officers' are defined within S43 of the Localism Act and by Section 2 of the Local Government and Housing Act 1989, as the Chief Executive, Deputy Chief Executive, Directors and Heads of Service.

4.2 Chief Officers' Salaries

<u>Salary Grade</u>	<u>Salary Range</u>
<u>CX1</u>	£193,701 - £199,233
<u>D1/ D2</u>	£112,642 - £137,577
<u>AD1/AD2</u>	£85,258 - £110,685
<u>SM1/2/3</u>	£50,520 - £79,456

4.3 The Chief Executive's salary is £199,233

4.4 The Chief Executive is also the Returning Officer for local elections held in Coventry. This is a separate appointment made in accordance with the Representation of the People Act 1983 and places a personal liability on the post holder. Therefore, a responsibility payment is made.

For Council elections, the Returning Officer fee is paid by the local authority. For Parliamentary or Police & Crime Commissioner elections, payment is made by Central Government and for the Combined Authority elections, payment comes from the Combined Authority.

The Chief Executive was appointed as the overall Returning Officer for the whole of the West Midlands region in 2021, for both the Police & Crime Commissioner and the Combined Authority elections. Each of these roles also received a responsibility payment.

These elections took place in May 2021 and below are details of the fees paid to the Returning Officer.

Election	Amount
Local Returning Officer - Combined Authority	£12,145.00
Local Returning Officer - PCC	£11,736.00
Combined Authority Returning Officer,	£8,000.00
Police Area Returning Officer	£8,000.00

Total payment to the Chief Executive during 2021/22, including salary and Returning Officer fees was, therefore, £239,114.

4.5 Chief Officer and senior manager remuneration currently falls within the range determined by the Council. These salary scales will be increased for 2022/23 in line with the relevant national pay award.

5. Recruitment of Chief Officers and senior managers

5.1 The determination of the remuneration offered to any newly appointed Chief Officer or senior manager will be in accordance with the pay structure and relevant policies in place at the time of recruitment. The Council's policy and procedures with regard to the recruitment of Chief Officers or Senior Managers are set out within the Council's Constitution.

5.2 Chief Officers and senior manager jobs are allocated to a salary range in accordance with the job evaluation scheme.

5.3 Where the Council is unable to recruit to a post, it will consider the use of temporary market force supplements. Where the Council remains unable to recruit chief officers under an employment contract, or there is a need for interim cover for a Chief Officer or senior manager post, the Council will consider engaging individuals under 'contracts for service'.

5.4 The Council considers that decisions on salary level for a new post over £100,000 pa or any existing post regraded to over £100,000 pa should be subject to accountability and scrutiny. The Council considers that it would be preferable for scrutiny of these decisions to take place in committee rather than by full Council, and that the Audit and Procurement Committee is the appropriate forum.

6. Increases and additions to Remuneration of Chief Officers or senior managers

6.1 The Council does not award any bonuses to its Chief Officers or senior managers.

6.2 Incremental progression within salary scales for Chief Officers and senior managers is based upon an annual performance based assessment.

6.3 It is the Council's policy to pay temporary and reviewable 'market supplement' to Chief Officer or senior manager salary levels where there is clear and demonstrable evidence that the salary level otherwise attached to the post creates substantial recruitment or retention difficulties. In 2021/22 six Chief Officers or senior managers have received market supplements in addition to their basic salary, ranging from £1,592 to £13,429.

6.4 Eight Chief Officers or Senior Managers received payments of between £1,666 and £10,000 during 2021/22 for additional hours and work undertaken as Non- Executive Directors of Council-owned companies.

6.5 Additional allowances will only be paid to Chief Officers and senior managers where they undertake additional duties that fall outside their substantive role.

7. Payments on Termination

- 7.1 The Council's approach to discretionary payments on termination of employment of Chief Officers or senior managers in a redundancy situation is set out within its Security of Employment Agreement. In accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006, the Council has used its discretion to calculate redundancy payments in accordance with the Security of Employment Agreement.
- 7.2 The Council does not exercise the discretion available to grant 'added years' of service under the Local Government Pension Scheme.
- 7.3 The City Council will not re-employ or re-engage previous employees within five years, if they have left as part of any voluntary redundancy/early retirement programme. It is not envisaged that any Chief Officer who leaves the Council with a severance or redundancy payment will be considered for further employment with Coventry or for the hiring of their services in another capacity save in exceptional circumstances.

8. Publication

- 8.1 Upon approval by the full Council, this statement will be published on the Council's Website.

9. Lowest Paid Employees

- 9.1 At present, the lowest paid employees of Coventry City Council are paid £9.50 per hour. This figure will be reviewed following announcement of the national pay award for 2022/23
- 9.2 The City Council employs a number of modern apprentices who are not included within the definition of "lowest paid employees" as they are employed under specific trainee contract terms. We also do not include trainees and interns within this definition.
- 9.3 The Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest paid salary, the median average salary of the whole of the Council's workforce and the lowest salary level paid.
- 9.4 The current Council pay levels define the following rates of pay:-
- Chief Executive - £199,233
 - Median employee - £27,148
 - Lowest paid employee - £18,333
- 9.5 Thus, the current pay ratios are as :-
- Chief Executive to lowest paid employee = 1:10.9
 - Chief Executive to median employee = 1:7.3
- 9.6 This pay ratio figure between the highest and the lowest paid employee is within the recommended upper limit of 1:20, which was suggested by Lord Hutton in his 'Review of Fair Pay in the Public Sector'.

10. Monitoring and Review

- 10.1 Once approved by Full Council, the Pay Policy statement will come into effect and will be reviewed annually in accordance with the relevant legislation at the time.

3. The Local Government Pension Scheme Regulations Statement of Policy

• February 2022

Under Regulation 60 of the Local Government Pension Scheme (LGPS) Regulations 2013 each employer must formulate, keep under review and publish their policies on certain discretions contained within the LGPS Regulations.

This Statement is applicable to all employees of Coventry City Council who are eligible to be members of the LGPS and, where applicable, deferred or pensioner members.

1. Regulation 30 – Members request for early payment of benefits

Explanation

From age 55, members who leave or have left local government employment have the right to apply for early payment of their retirement benefits subject to the consent of their employer. However, members aged 60 and over do not need their employer's consent.

The pension benefits must be reduced in accordance with guidance provided by the Government actuary. Employers may determine on compassionate grounds that the benefits are not reduced.

Coventry City Council's Policy

- **Active Members (current employees) - The City Council will allow early retirements on the grounds of redundancy/efficiency of the service. This discretion will otherwise only be used in rare and exceptional circumstances.**

It would need to be funded by a lump-sum contribution into the Pensions Fund by the City Council. Each specific request raised under this Regulation will be judged equally and fairly on its own merits.

- **This discretion will be exercised by those officers nominated to approve existing severance packages.**
- **Deferred Members (Pre April 2014) – Early release of retirement benefits may be allowed in exceptional circumstances. The former employee must make an application in writing to the City Council. Each specific case will be judged equally and fairly on its own merits and where appropriate approved by the appropriate Cabinet Member.**
- **Waiver or reduction – Each specific case will be judged equally and fairly on its own merits and where appropriate approved by the appropriate Cabinet Member. Any cost would need to be funded by a lump-sum contribution into the Pension Fund by the City Council.**

2. The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 Schedule 2 - The rule of 85 for members drawing benefits between age 55-59.

Explanation

The rule of 85 applies to those members who joined the LGPS before 2006 and allows them to retire earlier than their normal pension age, taking their pension benefits in full. Under the LGPS 2014 Regulations members may lose some of the rule of 85 protections if they wish to access their benefits and they are aged 55-59. An employer may resolve to reinstate the protection which would have cost implications.

Coventry City Council's Policy

Each specific case will be considered on the grounds of efficiency of the service, having fully considered service delivery and financial costs.

3. Regulation 31 – Award of Additional Pension of an active member

Explanation

An employer may resolve to award a member additional pension of not more than £6,500 per year (as at 1st April 2014). An employer may make decisions on awarding additional pension for up to six months after termination of employment in cases of redundancy, in the interests of efficiency of the employing authority's functions or at the ending of a joint appointment because the other appointment holder has left.

Coventry City Council's Policy

This discretion will not be exercised by the City Council in any circumstances.

4. Regulation 16(2)e & Regulation 16(4)d – Additional Pension Contribution (APC)

Explanation

An employer may make either a regular or lump sum Additional Pension Contribution (APC) to a member's account. This may be part or whole funded.

Coventry City Council's Policy

This discretion will not be exercised by the City Council in any circumstances.

5. Regulation 30(6) and Regulation 30 (8) – Flexible Retirement

Explanation

A member who is aged 55 or over and with their employer's consent reduces their hours and/or grade can then, but only with the agreement of their employer, make a written application to the administering authority (West Midlands Pension Fund) for payment of all or part of their accrued benefits without having retired from that employment.

If payment of benefits occurs before normal retirement age the benefits can be actuarially reduced in accordance with guidance issued by the Government actuary.

The employer may choose to waive the reduction in whole or in part. If the employer chooses to do so, then the cost of waiving the reduction in whole or in part has to be paid to the Fund.

Coventry City Council's Policy

Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs. The Council will normally only approve the payment of benefits where there is no additional cost to the Council.

6. Regulation 17 – Shared Cost AVC

Explanation

Employers may resolve to establish and maintain a Shared Cost Additional Voluntary Contribution Scheme (SCAVC). Who can join, how much the employer and employee will jointly contribute and the type of benefits provided must be considered.

Coventry City Council's Policy

Coventry City Council will allow a Shared Cost Additional Voluntary Contribution Scheme.

7. Regulation 16 – Optional contributions during absence

Explanation

Employing authorities have the discretion to extend beyond 30 days the period where a member can make a written request to make contributions. These contributions will cover a period of absence where pension contributions would otherwise not have been made.

Coventry City Council's Policy

Coventry City Council will extend the period of 30 days in rare and exceptional circumstances or where it was beyond the member's control.

8. Regulation 22 – Re-employed and rejoining deferred members

Explanation

Where a deferred member becomes an active member again, before becoming entitled to the immediate payment of retirement benefits in respect of former membership(s), he/she may elect to have former membership(s) aggregated with their current active membership. An election must be made in writing to the member's appropriate administrating authority (West Midlands Pension Fund) before the expiry of the period of 12 months, beginning with the date that the employee again became an active member (or any such longer period as the employer may allow).

Coventry City Council's Policy

Coventry City Council will extend the period of 12 months in rare and exceptional circumstances or where it was beyond the member's control.

9. Regulation 100 – Inward transfers of pension rights

Explanation

A person who becomes an active member who has relevant pension rights may request their fund authority to accept a transfer value for some or all of their former rights. An election must be made in writing before the expiry of the period of 12 months beginning with the date that he/she became an active member (or any such longer period as his employer may allow).

Coventry City Council's Policy

Coventry City Council will extend the period of 12 months in rare and exceptional circumstances or where it was beyond the member's control.

10. Regulation 9 (3) - Contributions payable by active members

Explanation

Employing Authorities must review the contribution band to which they assign members each April, employers can also review band levels during the year

Coventry City Council Policy

An employee's contribution percentage will be determined each pay period (e.g. each month's pay) based on the following:

- a) The pensionable pay to be paid in the pay period will be multiplied by 12 to give an annual equivalent and the contribution rate for that pay period determined according to the relevant tables.
- b) Any lump sums or retrospective arrears payments covering more than one pay period would be excluded from the calculation.

Employees will be notified of their pension contribution percentage on their payslip each month.

Details of the contribution rates can be found on the West Midlands Pension Fund's website by following the link <http://www.wmpfonline.com/activemember>

Members of the pension scheme have the right to appeal the pension banding decision within 6 months of the change of contribution rate; in the first instance they should contact Employment Services so that the matter can be reconsidered.

If they are still dissatisfied with this decision they can make a written application to the specified person, appointed by Coventry City Council, to give a decision under dispute.

11. Regulation 91-95 Forfeiture of pension rights

Explanation

If a member is convicted of a relevant offence committed in connection with their employment the former Scheme employer may apply for a forfeiture certificate. A forfeiture certificate certifies that the offence was 'gravely injurious to the state' or is liable to lead to a 'serious loss of confidence in the public service'. Where issued the former Scheme employer may direct that the member's rights under the regulations are forfeited.

Coventry City Council Policy

Coventry City Council will apply the provisions of regulations 91 to 95.

12. Regulation 7 – The Internal Dispute Resolution Procedure

Explanation

An Internal Dispute Resolution Procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.

Responsibility for determinations under the first stage of the procedure rests with a “specified person” appointed by the employer. The employer must specify the job title and address of the person to whom applications should be directed.

Coventry City Council's Policy

The specified person is:

**Director of Human Resources
Coventry City Council
PO Box 15
Earl Street
COVENTRY
CV1 5RR**

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Council Meeting

22 March 2022

Booklet 1

Written Questions

1.	QUESTION SUBMITTED BY: Councillor D Skinner TO BE ANSWERED BY: Councillor D Welsh, Cabinet Member for Housing and Communities
TEXT OF QUESTION: “I understand that Council officers work constantly to bring empty properties back into use. Could the Cabinet member please say how many properties remain empty and what is being done to bring them back into use?”	