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### **Cabinet Member for Policing and Equalities**

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**Time and Date**

10.30 am on Monday, 15th January, 2024

**Place**

Diamond Room 2 - Council House

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**Public Business****1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 3 - 6)

(a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 4 December 2023

(b) Matters arising

**4. Proposed Amendments to the Constitution** (Pages 7 - 20)

Report of the Chief Legal Officer

**5. Outstanding Issues**

There are no outstanding issues

**6. Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

**Private Business**

Nil

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Julie Newman, Chief Legal Officer, Council House, Coventry

Friday, 5 January 2024

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Email: [usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)

Membership: Councillors P Akhtar (Deputy Cabinet Member) and AS Khan (Cabinet

Member)

By invitation: Councillor P Male (Shadow Cabinet Member for Policing and Equalities)

**Public Access**

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**Usha Patel**

**Email: [usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)**

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 1.00 pm on Monday, 4 December 2023**

Present:

Members:                           Councillor AS Khan (Chair)  
  Councillor P Male (Shadow Cabinet Member)  
  Councillor P Akhtar (Deputy Cabinet Member)

Employees (by Service Area):

Law and Governance:         J Newman (Chief Legal Officer), U Patel

Procurement:                   R Amor

## **Public Business**

### **35.     Declarations of Interest**

There were no declarations of interest.

### **36.     Minutes**

The Minutes of the meeting held on 20 April 2023 were agreed and signed as a true record. There were no matters arising.

### **37.     Proposed Amendments for the Constitution**

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

The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document which would need updating from time to time to ensure that it reflected changes in practices within the Council.

The Constitutional Advisory Panel at its meeting on 31 October 2023 considered the following proposed changes to the Constitution:

- a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
- b) Amendments to the Council Procedure Rules as set out in Part 3A of the Constitution
- c) The establishment of Sub Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications.

#### **(a) Contract Procedure Rules (Part 3G of the Constitution)**

The background and the proposed amendments to the Contracts Procedure Rules were set out in Appendix A of the report. The amendments proposed support

SME's in tendering for below threshold tenders and quotation exercises following feedback received in response to Procurement Services' Equality, Diversity and Inclusion (EDI) survey. The proposed amendments could be summarised as follows:

- Administrative changes (titles, up-to-date PCR thresholds)
- Furtherance of the Council's Social Value agenda through increasing minimum number of tenders/quotes sought and establishing minimum timescales below threshold.
- Clear identification of legislative requirements with regards to publication of notices to ensure compliance with the regulations.
- Explicit reference to contracting with Local Authority Trading Companies (teckal) in accordance with the Public Contracts Regulations 2015.
- Reflect the recently issued revised public procurement thresholds for goods, services and works that would come into force from 1 January 2024.

The Cabinet Member noted that the proposed amendments were the first of three potential set of amendments to the Contracts Procedures Rules due to forthcoming legislative changes.

The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in Appendix A, be recommended to the Cabinet Member for approval.

### **(b) Council Procedure Rules (Part 3A of the Constitution)**

The background and the proposed amendments to the Council Procedure Rules were set out in Appendix B to the report and follow a review of the Council Procedure Rules by David McGrath, an external trainer with expertise and knowledge of Council Procedure Rules, their application and best practice. The review provided a number of recommendations and items for consideration relating to the following:

- The modernisation use of language throughout the Procedure Rules
- A change in relation to the effect on quorum of a Member declaring an interest and leaving the meeting
- A change in relation to Members being required to stand to address the meeting
- The introduction of a limit on the number of supplementary questions and a time limit on the length of question Time, together with guidance to questioners to assist with precision and fairness in questioning
- A change in relation to not allowing Motions to be submitted to the February Council Tax and Budget setting meeting
- The clarification in relation to requiring Motions to have a discernible link to the City Council.

The Constitutional Advisory Panel considered these and noted that other matters raised by the review had not been included as they helpfully reflected wider practice but were not as relevant to the City Council's approach.

The Advisory Panel agreed with the recommended amendments, except for the introduction of a limit on the number of supplementary questions and a time limit

on the length of Question Time. The Advisory Panel noted that in relation to supplementary questions, the Lord Mayor has the power to disallow supplementary questions which, in their opinion is irrelevant or frivolous or a repetition of on substantially similar to a question or questions already asked. The Advisory Panel considered that, if this power was applied effectively by the Lord Mayor, there was no need for any further restriction on Question Time. It was agreed that providing clarity in relation to guidance to questions to assist with precision and fairness in questioning would be helpful.

The Constitutional Advisory Panel therefore agreed that all of the proposed amendments, as detailed in Appendix B, should be recommended to the Cabinet member for Policing and Equalities for approval.

### **(c) Establishment of Licensing and Regulatory Sub-Committees to deal with Hackney Carriage and Private Hire Licensing**

The Constitutional Advisory Panel considered a proposal to establish Licensing and Regulatory Sub Committees to deal with Hackney Carriage and Private Hire Licensing Applications to provide more efficient decision making. The proposal, which was recommended should be introduced from the start of the new Municipal Year 2024/25:

- Would establish two equal, politically balanced, Sub-Committee by dividing the membership of the Licensing and Regulatory Committee. The Chair and Deputy Chair of the Committee would sit on both Sub-Committees.
- Each Sub-Committee would meet bi-monthly and Members would know at the start of the year which Sub-Committee they were appointed to and the dates of those meetings. This would ensure that all Members of the Committee would deal with such applications during the year.
- The quorum of each Sub-Committee would be four. And if they were unable to attend a meeting, Members would be entitled to nominate a substitute member from the membership of the other Sub-Committee.
- The Licensing and Regulatory Committee would still meet in full to consider any other matters delegated to them as necessary.

Councillor F Abbott, Chair of the Licensing and Regulatory Committee, attended the meeting of the Constitutional Advisory Panel and indicated her support for the above proposals.

The Advisory Panel indicated that it would important that the membership of each Sub-Committee ensures that there is a mix of both experienced and less experienced Members in licensing matter and it was noted that this would be addressed with Group Leaders during the appointment process prior to the Annual Meeting of the Council.

The Constitutional Advisory Panel agreed that the proposal as outlined above be recommended to the Cabinet Member for Policing and Equalities for approval.

**RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council approves Recommendations (1) to (3) below and authorise the Chief Legal Officer to make any necessary amendments to the Constitution:**

- (1) The proposed amendments to the Contracts Procedure Rules (Part 3G of the Constitution) as detailed in Appendix A to the report with immediate effect.**
- (2) The amendments to the Council Procedure Rules (Part 3A of the Constitution) as detailed in Appendix B to the report with immediate effect.**
- (3) The establishment of Sub-Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire applications from the start of the Municipal Year 2024/25.**

**38. Outstanding Issues**

There were no outstanding issues.

**39. Any Other Business**

There were no other items of public business.

(Meeting closed at 1.15 pm)



**Public report**  
Cabinet Member

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**Cabinet Member for Policing and Equalities  
Council**

**15 January, 2024**  
**16 January, 2024**

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor AS Khan

**Director approving submission of the report:**

Chief Legal Officer

**Ward(s) affected:**

None

**Title:**

**Proposed Amendments for the Constitution**

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**Is this a key decision?**

No

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**Executive summary:**

The Constitutional Advisory Panel, at its meeting on 2 January, 2024, considered proposed amendments to the Constitution in relation to changes to the Council's policies and procedures that specifically relate to employment, namely Disciplinary, Enabling Attendance, Capability, Grievance, and Collective Disputes.

It is proposed that Appeal Hearings are delegated to the Chief Executive (or Nominated Officer) so that Members no longer directly hear Appeals for employees or the trades unions as part of these processes. (As currently set out in Part 3J and part 2M of the Constitution).

The Advisory Panel agreed with the proposed amendments. This report seeks approval from the Cabinet Member for Policing and Equalities and Council to the proposed amendments.

**Recommendations:**

The Cabinet Member for Policing and Equalities is requested to recommend that Council approves Recommendations (1) and (2) below:-

- (1) The proposed amendments to the Appeals Committee Procedure Rules (Part 3J of the Constitution) as detailed in **Appendix A** to the report with immediate effect
- (2) The amendments to the Scheme of Functions Delegated to Employees (Part 2M of the Constitution) as detailed in **Appendix B** to the report with immediate effect

Council is recommended to approve Recommendations (1) to (2) above and authorise the Chief Legal Officer to make any necessary amendments to the Constitution.

**List of Appendices included:**

The following appendices are attached to the report:

Appendix A – Details of the proposed amendments to the Appeals Committee Procedure Rules (Part 3J)

Appendix B – Details of the proposed amendments to the Scheme of Functions Delegated to Employees (Part 2M)

**Background papers:**

N/A

**Other useful documents**

N/A

**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?**

Yes - Constitutional Advisory Panel – 2 January, 2024

**Will this report go to Council?**

Yes – 16 January, 2024



## **Report title: Proposed Amendments for the Constitution**

### **1. Context**

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and is reviewed and updated from time to time to ensure that it meets changing legislative requirements and reflects changes in practise within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on 2 January, 2024 considered proposed changes to the Constitution. These were:-
  - a) Amendments to the Appeals Committee Procedure Rules as set out in Part 3J of the Constitution
  - b) Amendments to the Scheme of Functions Delegated to Employees as set out in Part 2M of the Constitution

### **2. Options considered and recommended proposal**

#### **2.1 Employment Policy Appeals - Background**

Every employee must have a right to an appeal against an outcome in a process, as that is natural justice. Where appropriate, all the of City Council's policies offer that right namely, the Disciplinary, Enabling Attendance, Capability, Grievance and Collective Disputes policies. This appeal right reaches elected Members following a dismissal or alternative action short of dismissal, or for the Grievance and Collective Disputes policies, as a fourth-tier challenge. This is above and beyond best practice as contained in the ACAS guidance which is based on three stages.

A fourth-tier results in a lengthy and protracted process and a delayed outcome. There is no legal requirement for a fourth stage, nor does the option reduce the number of cases that are submitted to Tribunal.

Between 2018-2023 (to date) a total of 20 Appeals have been heard by Members. During this 6 year period, Members have not reinstated or changed the outcome of Appeal submitted on behalf of either the trade unions or employees.

There is sufficient resource to resolve these matters internally, for example the Grievance Policy has been revised and does now ask about resolution, and places emphasis on early conclusion/resolution. In relation to the Collective Disputes Policy, again there is sufficient internal resource, but also the ask in these cases as to the type of issue and involvement for Members is in relation to terms and conditions, which is the responsibility of Officers.

Dismissal cases can result in Members giving evidence at Employment Tribunals and potentially having a wider involvement than they were aware of at the start of the Appeal. The proposed changes would prevent difficult positions if Council decisions have been taken which might result in an Appeal, meaning Members are not brought into a position of conflict.

Other authorities for example Solihull and Wolverhampton have already adopted this approach and in the last Peer Review, it was suggested informally as something to be considered. This is therefore a timely review in the light of the Peer Review in January 2024. Birmingham and Brighton have also both been recently advised to alter their practice, so that Members no longer hear Appeals.

## 2.2 Proposed Amendments

The amendments to the Constitution would be to delegate the responsibility of employment Appeals to the Chief Executive (or Nominated Officer), removing the need for Members to part of the Appeals process for the following policies:-

- Disciplinary
- Enabling Attendance
- Capability
- Grievance
- Collective Dispute

In addition, Part 3J of the Constitution would need to be amended to reference that employment Appeals are delegated to the Chief Executive (or nominated officer).

Appeals would be heard at Director or Chief Executive level, dependant on the case and the level of the hearing Officer, and the Appeal would always be heard by a more senior officer.

Employee relations statistics would be reported to the Cabinet Member for Strategic Finance and Resources bi-annually and shared with trade union colleagues.

The Constitutional Advisory Panel agreed that the proposed amendments, as detailed in **Appendices A and B**, should be recommended to the Cabinet Member for Policing and Equalities for approval.

## 3. Results of consultation undertaken

- 3.1 The proposed amendments have been considered by the Constitutional Advisory Panel to which all Group Leaders were invited to attend.

## 4. Timetable for implementing this decision

- 4.1 It is proposed that following Council approval, the amendments to the Constitution be implemented immediately.

## 5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

### 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. The named policies need to ensure that a fair procedure is in place and that ACAS guidance has been followed. The proposed amendments do both of these things by having an appeal hearing chaired by the Chief Executive or their nominee.

## 6. Other implications

### 6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

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?**

The impact on the organisation is that employment policies and procedures will be completely managed by Officers

**6.4. Equalities / EIA?**

An EIA is not required as employees will continue to be able to access an independent Appeal and the change applies to all employees equally.

Monitoring and reporting on protected characteristics for employment policies already takes place, there is a legal obligation to publicly report on this information under the Equality Act. Commitment has been given this information will be shared with the relevant Cabinet Member once a quarter.

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

None

**6.6. Implications for partner organisations?**

None

**Report author(s):**

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Title Governance Services Co-ordinator

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Law and Governance

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Service Area</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Usha Patel	Governance Services Officer	Law and Governance	23/12/23	02/01/24
Susannah Newing	Chief People Officer	Human Resources	23/12/23	23/12/23

<b>Names of approvers for submission:</b> (officers and members)				
Finance: G Clark		Finance	23/12/23	03/01/24
Legal: G Carter	Regulatory Team Leader	Law and Governance	23/12/23	02/01/24
Director: Julie Newman	Chief Legal Officer	Law and Governance	23/12/23	02/01/24
Councillor M Mutton	Chair of the Constitutional Advisory Panel	-	02/01/24	03/01/24
Councillor A S Khan	Cabinet Member for Policing and Equalities	-	02/01/24	02/01/24

This report is published on the council's website: [www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)

**PART 3**

**RULES OF PROCEDURE**

**PART 3J: APPEALS COMMITTEE PROCEDURE RULES**

1. ~~Appeals Committees dealing with employment appeals or trade union disputes will have in attendance the relevant Senior Human Resources Manager or his or her nominee to advise as appropriate. Appeals relating to employment matters are delegated to the Chief Executive (or Nominated Officer)~~
2. An Appeals Committee will consist of Councillors who have been trained in hearing appeals. ~~Members who are Cabinet Members may sit on an Appeals Committee which has been convened to hear appeals by employees but not on Appeals Committees dealing with other types of appeal.~~
3. The membership of each Appeals Committee and any Statutory Review Board will comprise the appropriate number of members as selected by the City Solicitor on an ad hoc basis from a Panel of Councillors who have had training in determining appeals and any statutory or other requirements for review boards.
4. The Chair of an Appeals Committee or a Statutory Review Board will be appointed by the Committee or Review Board at the start of each meeting.
5. Each Appeals Committee will comprise three Councillors (subject to any statutory requirements to the contrary) and all three Councillors will be required to be present to consider the appeal.
6. No Councillor who has had any previous knowledge or dealings with the matter which is the subject of an appeal will be eligible to serve on an Appeals Committee that considers that matter. ~~In relation to an Appeals Committee dealing with an employment dispute, no Councillor who is a trade union official, employee or other office holder shall be permitted to be a Member of the Committee.~~
7. Appeals Committees are subject to the Access to Information Procedure Rules set out in Part 3B.
8. Appeals Committees are the subject of the proportionality requirements set out in the Local Government and Housing Act 1989 and the City Solicitor in selecting membership of any Appeal Committee or statutory review board will ensure that the membership properly reflects the political make-up of the Council.
9. Decisions of the Appeals Committees are not the subject of call-in.
10. The City Solicitor or ~~their~~his or her representative will attend all meetings to advise and record proceedings.

## **PART 2**

### **SCHEME OF DELEGATION**

#### **Decision-Making and Responsibility for Functions**

**6. SPECIFIC DELEGATIONS**

The following employees have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on his/her behalf by the officer so nominated. The delegations are subject to any limitations specified.

**6.1. CHIEF EXECUTIVE**

<b>Statutory or other Functions</b>		<b>Nominee/Limitations</b>
<b>General</b>		
1	Witness and receipt of Declarations of acceptance of office.	City Solicitor
2	To act as the Proper Officer for the purposes of receiving requests for dispensations under section 33 of the Localism Act 2011.	City Solicitor
3	To give to any Cabinet Member with a declared conflict of interest a note of dispensation in connection with: (a) any matter which is to be decided by the Cabinet of which the Cabinet Member is a member; or (b) any matter upon which the Cabinet Member is consulted by another Cabinet Member who is making the decision; or (c) any matter upon which the Cabinet Member is consulted by an employee who is making an executive decision.	City Solicitor
4	Power to make payments or provide other benefits in cases of maladministration.	Chief Finance Officer as Section 151 Officer
5	To assure the reinstatement of services as result of a major disaster in line with the Corporate Disaster Recovery Plan and to be responsible for emergency planning and business continuity generally.	Director of Adult Services & Housing in consultation with relevant Cabinet Member.
6	Maintain a list of all Proper Officer functions.	City Solicitor, the Chief People Officer. Directors are responsible for individual service business continuity plans.
7	To be responsible for, and take any action	Directors, and Heads of



**Part 2M - Scheme of Functions Delegated to Employees**

	necessary in connection with, the Council's functions relating to: (a) Customer Relations and statutory social care complaints; (b) complaints other than those in (a); and (c) freedom of information and data protection.	Service.
8	To declare as Proper Officer, vacancies that occur in relation to Section 86 of the Local Government Act 1972, following consultation with the appropriate Group Leader (where applicable).	City Solicitor
<b>Human Resources</b>		
8	Approval of special payment arrangements.	Chief People Officer
9	Hold on deposit the list of politically restricted posts; determine applications for exemptions from the list of politically restricted posts; and give directions, on the application of any person or otherwise, requiring the inclusion of a post in the list of politically restricted posts.	Chief People Officer
<p><b>10 <u>Employment Appeals for the following Policies:- Nominated Officer</u></b></p> <ul style="list-style-type: none"> <li>• <u>Disciplinary</u></li> <li>• <u>Enabling Attendance</u></li> <li>• <u>Capability</u></li> <li>• <u>Grievance</u></li> <li>• <u>Collective Dispute</u></li> </ul>		
<b>Electoral Functions</b>		
<del>10</del> <b>11</b>	To exercise functions under the Representation of the People Act 1983 and in particular, to act as Registration Officer/Returning Officer for local elections and Acting Returning Officer for parliamentary elections and Local Returning Officer for European Parliamentary Elections and elections for a Police and Crime Commissioner and Combined Authority Mayor.	Deputy Returning Officers and Acting Returning Officers may be appointed from any of the Council's employees, or otherwise.
<del>11</del> <b>12</b>	To act as Electoral Registration Officer.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.

**Part 2M - Scheme of Functions Delegated to Employees**

<del>13</del> <u>2</u>	To exercise functions in relation to any referendum to change governance arrangements under the Local Government Act 2000 and to hold elections for an Elected Mayor.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.
<del>13</del> <u>4</u>	To act as Proper Officer and Counting Officer for any referendums held under the Local Government Act 2000 or under any other legislation.	Deputy Counting Officers may be appointed.
<del>14</del> <u>5</u>	Hold a referendum under the Localism Act 2011 to veto excessive Council Tax rise.	City Solicitor/ Electoral Services Manager as Deputy Electoral Registration Officers.
<b>Communications</b>		
<del>16</del> <u>5</u>	To promote the working of the Council, within the Code of Recommended Practice on Local Authority publicity.	Chief People Officer
<del>16</del> <u>7</u>	To issue statements to the press on behalf of the Council if the public standing of the Authority could be affected by the absence of a statement, whether or not it has been agreed with the Cabinet Member or committee chairman concerned	Chief Partnerships Officer
<del>18</del> <u>7</u>	To promote the Council's views as agreed by members in the relevant decision-making forum	Chief Partnerships Officer
<b>Coronavirus</b>		

**Part 2M - Scheme of Functions Delegated to Employees**

<p>18 9</p>	<p>To take any actions required under the Health Protection (Coronavirus, Restrictions) (England) (no.3) Regulations 2020 or under any subsequent or amending primary or secondary legislation and specifically the power to:</p> <p>(a) Give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons, specified premises in the council's area (regulation 4)</p> <p>(b) Give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in the council's area. (regulation 5)</p> <p>(c) Give a direction imposing prohibitions, requirements or restrictions in relation to a specified public outdoor place in</p>	<p>Following consultation with the Leader of the Council.</p> <p>Power is delegated to the Chief Partnerships Officer, Chief Operating Officer (Section 151 Officer), Chief People Officer or Chief Legal Officer (Monitoring Officer) in the absence of the Chief Executive.</p>
	<p>the council's area, or public outdoor spaces in its area of a specified description. (regulation 6)</p>	

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