



Scrutiny Co-ordination Committee

Time and Date

10.00 am on Wednesday, 7th August, 2013

Place

Committee Rooms 2 and 3 - Council House

Public Business**1. Apologies and Substitutions****2. Declarations of Interest****3. Minutes** (Pages 3 - 8)

(a) To agree the minutes of the previous meeting held on 10th July, 2013

(b) Matters Arising

10.05 a.m.**4. Equality Strategy - Performance Report 2012-13** (Pages 9 - 24)

Report of the Chief Executive

10.45 a.m.**5. Equalities in Employment** (Pages 25 - 34)

Report of the Director of Customer and Workforce Services

This report was referred to the Scrutiny Co-ordination Committee by the Cabinet Member (Community Safety and Equalities) at his meeting on 4th July, 2013

11.00 a.m.**6. Changes to the Constitution: Recommendations of the Constitutional Advisory Panel** (Pages 35 - 66)

Report of the Assistant Director Legal Services and Monitoring Officer

11.30 a.m.**7. Outstanding Issues**

Included in the Work Programme below

8. **Scrutiny Co-ordination Committee Work Programme 2013/2014** (Pages 67 - 70)
Report of the Assistant Director, Scrutiny and Transformation
9. **Meeting Evaluation**
10. **Any Other Items of Public Business**
Any other items of public business which the Chair decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Bev Messinger, Director of Customer and Workforce Services, Council House Coventry

Tuesday, 30 July 2013

- Notes: 1) The person to contact about the agenda and documents for this meeting is Suzanne Bennett, Democratic Services, Council House, Coventry, telephone 7683 3072, alternatively E-mail: suzanne.bennett@coventry.gov.uk
- 2) Council Members who are not able to attend the meeting should notify Suzanne Bennett no later than 9.00 a.m. on the day of the meeting, giving their reasons for absence and the name of the Council Member (if any) who will be attending the meeting as their substitute.
 - 3) Scrutiny Board Members who have an interest in any report referred to this meeting, but who are not Members of this Committee, have been invited to notify the Chair by 12 noon on the day before the meeting that they wish to speak on a particular item. The Member must indicate to the Chair their reason for wishing to speak and the issue(s) they wish to raise.

Membership: Councillors F Abbott, J Blundell, J Clifford (Deputy Chair), C Fletcher (Chair), T Khan, R Sandy, T Skipper, S Thomas and K Taylor

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Suzanne Bennett, Governance Services - Telephone: 024 7683 3072
E-mail: suzanne.bennett@coventry.gov.uk

Agenda Item 3

Minutes of the Meeting of Scrutiny Co-ordination Committee held at 2.00 p.m. on 10th July, 2013

Present:

Committee Members: Councillor Mrs Fletcher (Chair)
Councillor Clifford (Deputy Chair)
Councillor Abbott
Councillor T Khan
Councillor Noonan (substitute for Councillor Blundell)
Councillor Sandy
Councillor Skipper
Councillor Thomas

Other Members: Councillor Caan
Councillor Hetheron

Employees (by Directorate):

Chief Executive's: C Dear, P Hargrave, G Holmes, J Moore, O Taylor, J Venn, A West

Community Services: S Roach

Customer & Workforce Services: L Knight

Others present: Chief Inspector A Nicholson, West Midlands Police
L Turner, work experience
T Slater, work experience

Apologies: Councillors Blundell and Taylor

Public business

1. Declarations of Interest

There were no disclosable pecuniary interests declared. In respect of Minute 5 below headed 'Development of the Community Safety Partnership', Councillor Abbott drew attention to her role as Assistant Police and Crime Commissioner.

2. Minutes

The minutes of the meeting held on 17th April, 2013 were signed as a true record. There were no matters arising.

3. Coventry's Alcohol Strategy 2013-2016

The Committee considered a briefing note of the Director of Public Health which provided an overview of Coventry's Alcohol Strategy 2013-2016. A copy of the draft strategy was appended to the note. The strategy was to be submitted to the next meeting of the Community Safety Partnership on 18th July, 2013 and then to a future meeting of Cabinet. Councillor Caan, Cabinet Member (Health and Adult Services), Councillor Hetheron, the Council's Alcohol Champion and Chief Inspector Andy Nicholls, West Midlands Police attended the meeting for the consideration of this item.

At their meeting on 8th October, 2012 the Wellness, Liveability and Public Health Scrutiny Board (1) endorsed the approach to tackle alcohol misuse in the city, along with the revision of an alcohol strategy for Coventry. An Alcohol Strategy Consultation workshop took place in March 2013 and was attended by Officers and Members from the City Council, along individuals from a wide range of partner agencies. Building on the success of the previous 'Alcohol Harm Reduction Strategy' which was first published in 2007 and other national policy, the strategy document outlined areas of work under pinned by three key themes:

- Providing effective prevention and recovery focussed treatment.
- Changing and challenging attitudes and behaviour.
- Controlling the supply of alcohol and promoting safer drinking environments.

The delivery of the alcohol strategy would be the responsibility of the Alcohol Strategy Group which would be chaired by the Cabinet Member (Health and Adult Services) and would be accountable to the Joint Health and Wellbeing Board. This group would work closely with Coventry Community Safety Partnership and the Children and Young People's Strategic Partnership.

The Committee questioned the officers on aspects of the strategy, matters raised included:-

- (i) The targeted work with young people including work in schools
- (ii) Partnership working and the use of data from A and E, including the reporting of information at Licensing and Regulatory Sub Committee Hearings
- (iii) The actions undertaken to control the supply of alcohol and promoting safer drinking environments
- (iv) Potential changes to current legislation
- (v) The importance of the holistic approach when treating patients and providing specialist interventions
- (vi) The follow up support and tracking of patients once they have completed their programme of treatment
- (vii) The importance placed on 'Making Every Contact Count'

RESOLVED that:

(i) Officers be requested to work with School Governing Bodies and Academies to encourage schools to work with and support their pupils regarding alcohol awareness and the associated problems, and to encourage schools to access the available support.

(ii) A summary of the Committee's discussion on the draft alcohol strategy to be submitted to Cabinet when the strategy is considered.

4. Development of the Community Safety Partnership

The Committee considered a briefing note of the Assistant Director, Public Safety and Safeguarding Adults which provided an update on the proposed role, remit and membership of the Coventry Community Safety Board which would replace the Community Safety Partnership. A copy of the draft report to be submitted to the Community Safety Partnership Board at their meeting on 18th July, 2013 was tabled at the

meeting. Chief Inspector Andy Nicholls, West Midlands Police attended the meeting for the consideration of this item.

The West Midlands Police and Crime Commissioner, elected in November 2012, had been working closely with local Community Safety Partnerships and had articulated his vision for Community Safety Partnerships to evolve into local Policing and Crime Boards. The Commissioner had asked local partnerships to ensure that there was a balance between intelligence led decision making and the ability to listen to and respond to what communities wanted. In response to this, the current partnership structures were being reviewed and terms of reference were currently being developed for a Coventry Community Safety Partnership Board which would reflect the aspirations articulated by the Commissioner.

The draft report set out the aim of the new statutory Board as follows:
'To reduce and prevent crime, disorder and anti-social behaviour and re-offending and to work across partnerships to deal with the causes of crime including mental health, substance misuse and chaotic lifestyles'

The Committee were provided with an understanding of the roles and responsibilities of the Board. Membership required a number of statutory appointments along with representatives from the community, voluntary and business sectors to reflect geographical and thematic interests across the city. Invitations would be extended to specialist representatives to attend Board meetings in a non-voting capacity at the discretion of the Chair to aid discussion and decision making. It was proposed that the Board met on a quarterly basis. It was intended that for the first six months the Board operates in shadow form.

The Committee questioned the officers on the proposals for the new Partnership Board, matters raised included clarification about the proposed membership and potential additional appointments. They also discussed the role of the Safer Neighbourhood Groups, which was to be reviewed.

RESOLVED that:

(i) Consideration to be given to the appointment of representatives from the Youth Parliament and from private sector housing to the Coventry Community Safety Partnership Board.

(ii) Consideration to be given to the views of Ward Councillors and members of the Safer Neighbourhood Groups in any review about the future of these Groups.

(iii) The recommendations to be reported to the Community Safety Partnership at their meeting on 18th July, 2013.

5. Council Plan – Performance Report

The Committee received a presentation from the Assistant Director, Policy, Partnership and Performance and the Corporate Performance Co-ordinator on the Council Plan end of year performance report for 2012/13. The Committee also considered a report of the Chief Executive on the Council Plan which had been considered by Cabinet at their meeting on 9th July, 2013.

The current Plan set out the vision and objectives for 2011-2014 and was approved by the Council in June, 2011. The report looked at the progress which had been made during the second year in relation to the priorities and a set of key headline indicators. The Committee were informed that the Plan would be revised for 2013/14 onwards to reflect the new aspirations for Coventry, revised objectives and to take forward key priorities and actions.

The presentation set out the wider context in which the Plan was being delivered and highlighted the progress being made with the jobs strategy; the LEP; the Coventry and Warwickshire City Deal agreement; and project kick-start involving further public realm work and Friargate HQ. The key messages for jobs and growth; better pavements, streets and roads; support and celebrate our young people; and protecting Coventry's most vulnerable residents were outlined.

The Committee questioned the officers on the key messages from the performance report, matters raised included:

- (i) An explanation of how improvements were measured
- (ii) The tracking of young people leaving education and training
- (iii) Clarification about the number of jobs created
- (iv) Why the number of Local After Children had increased to 606 against a target of 544 or fewer
- (v) The links with child poverty and childhood obesity
- (vi) Information about the makeup of the 545 households accepted as statutory homeless.

RESOLVED that:

(i) The Committee note that the significant issues arising from the Council Plan Performance have been included in the work programmes for the appropriate Scrutiny Boards.

(ii) Members be provided with clarification about the numbers of jobs created, whether these are full time equivalent posts or if some are part time.

7. Scrutiny Work Programme 2013-14

The Committee considered a briefing note of the Assistant Director, Scrutiny and Transformation, which set out the issues identified for the 2013/14 work programme by all the Scrutiny Boards and this Committee and sought approval of the content of this initial work programme set out at an appendix.

At their first meeting in the new municipal year, the Committee and all Scrutiny Boards identified the issues they wished to include in their work programme. These were subsequently considered and further issues identified at the informal meeting of Scrutiny Members on 26th June, 2013. All items had now been included in the appropriate work programmes. It was noted that further issues might arise during the year which would be included as appropriate. The Committee were informed that they would be responsible for reviewing the recommendations arising from the 2012/13 Welfare Reform Sub-Group.

RESOLVED that the content of the initial work programme for the Committee and the Scrutiny Boards be approved and the Boards be requested to give priority to significant issues.

8. **Outside Bodies – Reporting Arrangements**

The Committee considered a briefing note of the Assistant Director Scrutiny and Transformation concerning the reporting arrangements for outside bodies to Scrutiny during 2013/14.

Reference was made to the work of the Task and Finish Group who met on two occasions in 2012/13 and made recommendations to the Committee about the reporting arrangements. It was agreed that criteria be applied to the outside bodies that reported to the Committee – that the organisation was in receipt of a grant from the Council; the Council had a financial interest in the body; or the organisation had a strategic role beneficial to the Council. The Committee noted that if the body was under the remit of a specific Scrutiny Board, then the report back would be submitted to this Board. The reporting arrangements for the new municipal year were set out in an appendix. Previously the approach to secondary school governing bodies, trusts and foundations was inconsistent and it was now proposed that the Education and Children's Services Scrutiny Board (2) consider whether they wish to receive any of these reports.

RESOLVED that:

(i) Approval be given to the amended list of outside bodies that report to the Committee and Scrutiny Boards as set out at the appendix to the briefing note.

(ii) Officers be requested to timetable the required outside bodies reports on the appropriate work programmes.

9. **Progress and Outcomes of Olympic Legacy Scrutiny Panel**

The Committee considered a briefing note of the Scrutiny Co-ordinator detailing progress against the intended outcomes of the Olympic Legacy Scrutiny Panel and identifying the most suitable location for the future of this work. Further details about progress and outstanding areas of work were set out in an appendix attached to the briefing note.

There were several recommendations relating to the Community Games and the City Look and Feel which required further work and subsequent consideration by the relevant Cabinet Members. It was proposed that the work be referred to the Cabinet Advisory Panel for Sports Vision and Strategy, Tourism and City Wide Events established at the Annual Meeting on 16th May, 2013.

RESOLVED that any outstanding recommendations or areas of work of the Olympic Legacy Scrutiny Panel be referred to the Cabinet Advisory Panel for Sports Vision and Strategy, Tourism and City Wide Events.

10. **Additional Items of Business**

There were no additional items of public business.

(Meeting closed: 12.05 p.m.)

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Public report
Cabinet Member

Scrutiny Coordination Committee
Cabinet Member (Community Safety and Equalities)

7 August 2013
5 September 2013

Name of Cabinet Member:

Cabinet Member (Community Safety and Equalities) – Councillor Townshend

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

All

Title:

Equality Strategy – Performance Report 2012/13

Is this a key decision?

No

Executive Summary:

The current Council's Equality Strategy which sets out the Council's equality objectives and how the Council complies with the Equality Act 2010 was approved in March 2013. The Equality Strategy is linked to the council's priorities set out in the Council Plan. This performance report looks at the progress that has been made in the first year of the strategy.

The Council Plan will be revised for 2013/14 onwards to reflect new aspirations for Coventry and the council objectives will be revised to take forward key priorities and actions. The council is also developing a range of health inequality indicators as part of its work as a Marmot City. The equality objectives in the Equality Strategy will subsequently be reviewed and revised where this is necessary.

Recommendations:

Scrutiny Coordination Committee is requested to:

- (1) Consider the progress made on the equality measures set out in the Council Plan and identify any issues that should be included in the Scrutiny work programme
- (2) Make any appropriate recommendations to the Cabinet Member (Community Safety & Equalities), identifying any issues and objectives that should be considered as part of the review of the Council Plan

Cabinet Member (Community Safety & Equalities) is requested to:

- (1) Consider any recommendations made by Scrutiny Coordination Committee
- (2) Consider the progress made on the equality measures set in the Council Plan
- (3) Agree that the current equality objectives and measures should be reviewed as part of the revision of the Council Plan.

List of Appendices included:

Appendix 1 - Council Plan Indicator Summary – Equality Indicators

Other useful background papers:

Council's Equality Strategy

https://www.coventry.gov.uk/downloads/download/1005/equality_strategy_2011-2014

Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Has it been or will it be considered by Scrutiny?

Yes on 7 August 2013

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?

No

Report title: Equality Strategy – Performance Report 2012/13

1. Context (or background)

1.1 The current Council's Equality Strategy which sets out the Council's equality objectives and how the Council complies with the Equality Act 2010 was approved in March 2013. The Equality Strategy is linked to the council's priorities set out in the Council Plan. This performance report looks at the progress made in relation to equalities with the Council Plan priorities. The report builds on the half year information presented to Cabinet Member (Community Services & Equalities) in December 2012.

2. Options considered and recommended proposal

- 2.1 The performance report in Appendix 1 shows that some progress has been made towards achieving the council's equality objectives despite the difficult economic context and reduction in council funding. This includes an increase in attainment in performance of Coventry pupils in a number of key equality groups; an increase in the number of disabled people supported into jobs by the Employment Support Services; an increase in the number of unemployed people helped into jobs and positive destinations and more young people on the Council's apprenticeship schemes.
- 2.2 Overall the number of hate crimes has decreased in the city, with the number of racist incidents (by far the highest reported group of hate crimes) declining the most. There was an increase in reports from disabled people and the number of incidents involving religion or belief although the numbers reported remains low. The council and its partners are doing more work with reporting centres to encourage people to come forward and report any incidents of hate crime. There was also a decrease in the number of incidents of domestic violence in the city reported to the Police but this is also believed to be significantly under-reported.
- 2.3 At its meeting on 9 July 2013 the Cabinet decided to review the current Council Plan to reflect its new aspirations for Coventry to be a city open for business where economic prosperity contributes to social justice. It is also anticipated that underlying economic conditions; reductions in public spending - including council funding – and changes to national policy on welfare and taxation are likely to continue to impact on groups protected by the Equality Act in Coventry. The Council is also currently developing a range of health inequality indicators as part of the council's work as a Marmot City. In light of the Cabinet's decision and these other changes it is recommended that the Council's equality objectives and measures should be reviewed and revised as necessary as part of the review of the Council Plan.

3. Performance Report

3.1 **Equalities Information** – the Equality Act 2010 (Specific Duties) Regulations 2011 requires the Council to publish relevant and proportionate information demonstrating their compliance with the Equality Duty on an annual basis. In developing this information the Council asked citizens of Coventry to provide any information that they think would be useful to the Council. The Council reviewed and revised the information in January 2013 and will continue to update the information on a regular basis. The Council ensured that the equality information it holds is made accessible through its website which is updated regularly. http://www.coventry.gov.uk/info/200041/equality_and_diversity

- 3.2 **Workforce Information** – the Council will continue to measure and report progress on the diversity of its workforce, including reporting on the number of disabled people in the workforce; black and minority ethnic people in the workforce and gender pay gap through its workforce reporting.

Workforce Profile

- 3.3 A report on the Council's workforce profile for 2011/12 was presented to Cabinet Member (Strategic Finance & Resources) on 24 October 2012. The equality data showed:
- 77.9% of the workforce was female
 - At senior management level (above Grade 10) over half the workforce was female (67.8%)
 - Black and Minority Ethnic (BME) representation in the workforce was 12.7%, an increase from 12.5% in previous year. However, there was significant under representation of BME staff at senior management and higher graded positions.
 - The number of employees who had declared a disability had decreased to 3.99% from 4.16% (This is an area that is potentially under-reported, over 23% of the workforce had their disability status recorded as unknown).
- 3.4 The Council undertook a pay audit on the March 2013 payroll of employees on the Coventry Terms and Conditions who have been evaluated using the NJC for LGS (Green Book) job evaluation scheme. This is the majority of Council employees including school support staff, but excluding Teachers. The table below presents the data on the gender pay audit which took place on the March 2013 payroll. National guidance is that a difference of less than 3% is to be expected. A difference of between 3% and 5% is a warning and a difference of more than 5% needs to be investigated and explained. The table below indicates that all of the differences are under 1% and therefore do not raise any concerns. 'Basic Pay' is the value of the scale point that each individual is paid against while 'Normal Pay' includes any shift allowance or weekend increments that are paid.

Table: Equal Pay Audit Outcome by Gender:

Grade	Gender	*Basic Pay	*Normal Pay	No of employees
1	Female	0.04	0.03	1,717
	Male	-0.55	-0.48	113
2	Female	0.13	-0.07	685
	Male	-0.50	0.28	184
3	Female	0.11	0.02	2,271
	Male	-0.60	-0.09	427
4	Female	0.11	0.14	1,238
	Male	-0.27	-0.37	484
5	Female	0.20	0.15	764
	Male	-0.65	-0.47	239
6	Female	-0.36	-0.41	492
	Male	0.86	0.97	209
7	Female	-0.35	-0.38	376
	Male	0.79	0.86	168
8	Female	-0.31	-0.36	186
	Male	0.55	0.64	105
9	Female	-0.06	-0.06	109
	Male	0.12	0.12	55
10	Female	0.18	0.18	41
	Male	-0.20	-0.20	37

* % difference from grade average

- 3.5 A further report on the workforce in 2012/13 will be presented to Cabinet Member (Strategic Finance & Resources) in October 2013.
- 3.6 In December 2012, The Cabinet Member (Community Safety and Equalities) requested a report to be produced setting out proposals and an action plan on how vacancies at the middle and senior level within the Council could be advertised with the aim of disadvantaged groups in mind and highlighting further action that can empower disadvantaged groups to gain employment in the City Council.
- 3.7 The action plan produced includes the development and implementation of the Talent Management Strategy, the Apprenticeship Strategy, the provision of a direct link for community groups to the council's jobs website and more closer working with local community organisations and within the more deprived areas in the City as job vacancies occur. The plans set out in the Action Plan will be monitored over the next 12 months in order to assess their impact and reported to Cabinet Member (Community Safety & Equality).
- 3.8 A further report was presented to Cabinet Member (Community Services & Equalities) on 4 July 2013 setting out the proposals on how vacancies in middle and senior levels within the authority can be advertised with disadvantaged groups in mind and highlighted further actions that could be taken to empower disadvantaged groups to gain employment in the Council. Actions included:
- Developing a Black & Minority Ethnic Employee Coaching and Mentoring Programme
 - Target recruitment activity – as specific managerial vacancies arise in addition to the normal channels of recruitment advertising, work with local community organisations and within the more deprived areas of the city
 - Deliver on the Apprenticeship Strategy – work closely with training providers focusing on supporting applications from the most disadvantaged young people across the city. In addition to this as part of the targeted recruitment activity work closely with community groups promoting the Apprenticeship scheme and opportunities
 - As part of our programme of managing talent Directors to nominate employees for the council's in-house ILM (Institute of Leadership Management) Management Development programme/qualification.
- 3.9 It is apparent that as the council faces up to the challenges of continued spending cuts there will be a continued reduction in the number of job opportunities, particularly at a senior managerial level. The proposals recommended in this report are about succession planning and giving disadvantaged staff the opportunity to be 'job ready' as and when opportunities arise.

Equality Objectives and Measures

- 3.10 Under the specific duty regulations, the Council was required to set equality objectives and to publish them by 6 April 2012. The equality objectives needed to be specific and measurable.
- 3.11 The Council has twenty two objectives in its Council Plan, approved by Council in June 2011, that were developed as a result of consultation. Almost all of these were considered to have a significant impact on equality in the city, and as such, are equality objectives.

Jobs & Growth

- 3.12 In 2012/13, 43 unemployed disabled people were supported into jobs by the Employment Support Service. This was an increase from 36 people supported last year.
- 3.13 The Council's Apprenticeship Strategy set a target of 120 apprentices by March 2014. As of March 2013, 83 apprenticeships were in post. In 2012/13, 54 new apprenticeships were created, exceeding the target for 30 new apprentices during the year. Amongst the apprentices, 18 have a disability and 8 were formally in the care of the local authority. Progress has been made to create new apprenticeship opportunities particularly in areas of skills shortage, including health & social care and horticulture & craft.
- 3.14 Through the Jobs Strategy, the Council is supporting people who are currently unemployed by helping people into a job, and helping people into positive destinations. In 2012/13 the Council supported 5,672 unemployed people against a target of 2,000 and helped 1,386 people into work against a target of 700 and helped 312 young people into a positive destination.

Better pavements, streets and roads

- 3.15 The Council will be measuring every street within Coventry to assess grounds maintenance and street cleanliness each year. A new measure is being developed to assess this with a more comprehensive set of standards which would also enable effective comparison between areas of the city. It is anticipated that inspections will commence in December 2013 following the upgrade of the computer system (CONFIRM) and the provision of suitable new hand held devices. Resident satisfaction levels remain unchanged reducing slightly from 69% in September 2012 to 67% in March 2013.

Support & Celebrate Young People

- 3.16 The Council is working with schools to improve children and young people's attainment overall and working to improve attainment for key vulnerable and underachieving groups. The average figure for five good GCSEs (A* to C) including Maths and English for 2012 was 58.7%. At year end the measure for five good GCSEs (A* to C) including English & Maths demonstrated that Mixed White/Black African, Gypsy/Roma, Young people with Special Educational Needs, Looked After Children, Pupil Premium/Free School Meals, were below the City average. There was a gap of 4.8% against the City average for boys.
- 3.17 Reducing teenage pregnancy is one of the Council's key objectives. There were 285 conceptions to under 18s in 2011, 12 more than in 2010 (273). As Coventry's population has increased, the conception rate has fallen to 48.9 per 1,000 15 – 17 year olds in 2011 from 50.2 per 1,000 15 – 17 year olds in 2010. This is the lowest rate since recording began in 1998.
- 3.18 The Council's Apprenticeship Strategy continues to deliver on the objectives set; as at July 2013 there are 87 young people on the Council's Apprenticeship scheme and this figure will continue to rise. The scheme has been successful in getting young people into employment. To date there have been 8 young people who have been moved into full time jobs.

Protect Our Most Vulnerable

- 3.19 Older people and disabled adults living independently and safely and having more choice and control over their health and social care is a priority for the Council. There is a revised measure for measuring self-directed support for older disabled people. The target for the

new measure is to achieve 100% of people in long term community based services receiving self-directed support by the end of 2012/13. In 2012/13, 90.6% of people in long-term community based services received self-directed support.

- 3.20 Reducing health inequalities is a key priority of the Council and Coventry is a Marmot City. Reducing the inequality in life expectancy between the 10% most deprived areas of the city and the 10% least deprived is a key equality indicator for the Council. Using the data for 2006 -10, the difference in life expectancy is 11.7 years for males and 7.9 years for females. The gap for Coventry females is less than that for males by 3.8 years. There is a time lag on this data. Reducing inequality in disability-free life expectancy between the 10% most deprived area of the city and the 10% least deprived is another key indicator for the Council. Using the data for 1999-2013 the difference in disability-free life expectancy is 16.6 years for males and 14.5 years for females.
- 3.21 Overall the number hate crime incidents reported have decreased in the City with racist incidents by far the highest number reported. A snapshot of the Reporting Centres incidents show a variety of ethnic groups affected including White, British, Asian and African. Although hate crime continues to be reducing there has been a slight increase in disability hate crime (8 incidents) and religious hate crime (5 incidents) and a marginal decrease in homophobic hate crime. This year victims are fairly evenly spread across gender, 53% male, 48% female compared to 65% male victims and 35% females last year. The Council will continue to encourage victims to report hate crime incidents through various mechanisms available and provide advice, guidance and support to keep themselves safe from such incidents whilst dealing with the perpetrator.
- 3.22 The overall number of Domestic Violence and Abuse (DVA) incidents reported to the police in Coventry fell in 2012/13 to a total of 2,899 compared to 3,048 in 2011/12. However it is well-documented that DVA is significantly under reported and the Home Office's *Ready Reckoner* estimates that there would be 6,500 women victims in Coventry in a year. Encouraging reporting is a priority, as is providing effective support to victims. The Coventry DVA Partnership has completed a Fundamental Service Review of existing approaches and responses to DVA and will shortly commission a multi-agency model to improve the management of the existing levels of DVA in the city and begin to reduce the predicted rises in the number of cases and future demands on services. The new service will be in place by May 2014 and will be closely monitored to review how it encourages victims to come forward at an earlier stage, increase the number of victims supported, reduce the number of repeat victims and repeat incidents through a streamlined and integrated approach.
- 3.23 People receiving the treatment they need to recover from drug and alcohol abuse is a priority for the Council. 60% of clients seeking support for alcohol dependence between April 2012 and March 2013 successfully completed treatment. This is the same as in 2011/12 and slightly better than the national average of 58%. Considerable work is underway to improve the capacity of services to cater for more alcohol users needing treatment and a new model of delivery is being developed to increase supported group work offered to clients. In terms of ethnicity, White British adults continue to be the main users of drug and alcohol treatment. White British adults accounts for 80% of all those receiving treatment for drug misuse and 83% of all those receiving alcohol treatment. The proportion of adults in treatment who are White British has risen slightly from last year.
- 3.24 More females are receiving treatment for alcohol misuse than drug misuse. The proportion of females service users receiving support for alcohol addiction has increased from 30% in 2011/12 to 34% in 2012/13. National research suggests that 25% of alcohol dependent adults are female. The proportion of female service users receiving treatment for drug misuse fell marginally from 25% in 2011/12 to 24% in 2012/13. Some 5.6% of females presenting for drug treatment in 2012/13 were pregnant; this is slightly higher than the

national average, although the actual number of pregnant clients in Coventry is small (fewer than 5 individuals).

- 3.25 Problematic drinking increases with age. 78% of adults in treatment are aged between 25-54 years. Older people are therefore poorly represented in specialist treatment services. Work has been scheduled with the Older People's Partnership later in 2013 to start to improve provision of alcohol treatment among older adults.

Working with Residents, Communities and Partners

- 3.26 The Council has worked with local disabled people and national charity *DisabledGo* to develop a web - based guide providing information for disabled people about the accessibility of buildings in Coventry. The guide is based upon hundreds of surveys carried out on local venues which were identified by local disabled people and offers anyone living, working or visiting the city detailed information about the accessibility of shops, pubs, restaurants, hotel, theatres and other services. The *DisabledGo* guide can be found at www.disabledgo.com
- 3.27 Although there were existing accessible toilet facilities in the city centre, there was no facility that could be used by people with profound and multiple learning disabilities, as well as other serious impairments, who often needed extra facilities to allow them to use the toilets comfortably. The Council worked with learning disabilities charity *Coventry Mencap* and groups representing disabled people in Coventry to develop a Changing Places Toilet in the Central Library. A Changing Places Toilet provides the right equipment including a height adjustable changing bench and a track hoist system; enough space for the disabled person and up to two carers; and a safe and clean environment. Access to the toilet is by Rader Key.

A Welcoming City

- 3.28 In January 2013, Coventry commemorated Holocaust Memorial Day for the 12th year. The focus this year was '*Communities Together: Build a Bridge*' and the Council arranged speakers and performances to reflect this theme including a talk from Auschwitz survivor Mindu Hornick.
- 3.29 For the fourth year running the Coventry Community Cohesion Awards have been delivered. This Coventry Community Cohesion Awards 2013 winners were Severn Trent Water Authority; Positive Images Festival; Positive Youth Foundation; Ernesford Grange Community School – Four Closes Project; Coventry University – International Experience of Mobility Services *Culturae Mundi*

Welfare Reform

- 3.30 Work is on-going to understand how different groups of Coventry people will be affected by national government welfare reforms. A wide range of changes have already been implemented, which have reduced entitlement to benefits, including housing related benefits and Incapacity Benefit (now Employment Support Allowance).
- 3.31 Introduction of Personal Independence Payments (to replace Disability Living Allowance) and Universal Credit are also expected to affect some groups of people with protected characteristics more than others. Evidence collected to date suggests that some groups who are already more likely to be out of paid work and who historically find it more difficult to access jobs are amongst the most affected. Across the city it is anticipated that £112 million less will be paid out in benefits each year. Groups most affected are likely to include: young adults, lone parent families (mostly females), disabled people, some black

and minority ethnic groups, residents of the most deprived areas of the city and children of all the aforementioned.

- 3.32 Coventry City Council is working with partner organisations to provide financial and practical support to help those affected manage changes, such as support with money management and finding work. Coventry City Council has protected entitlement of those claiming Council Tax Benefit and has absorbed a £3 million cut in government grant available for paying the benefit.

Equality & Consultation Analysis (ECA)

- 3.33 The Council has continued with identifying the equality impact of the decisions it makes by carrying out ECAs and putting in place mitigation to ensure that positive equalities impact is passed onto all recipients of services provided by the Council despite the difficult financial climate. Examples of this include the decision to absorb a £3 million cut in government grant available for paying Council Tax Benefit and not to pass on this onto residents of the city, as this would have had an impact on low income households in receipt of benefits; low income families working households, children in low income families, disabled people, families, people from black and minority ethnic backgrounds, single parents, people with caring responsibilities, women and people approaching pension age.
- 3.34 It is anticipated that in 2013/14, the impact of the Welfare Reform, the weak economic recovery and the increase in the cuts to the public sector – particularly the reduction in council funding - will put additional pressures on Council services. Further difficult decisions will need to be taken about the allocation of funding and the provision of services. In these difficult circumstances the Council will continue to do its best to ensure that decisions do not adversely impact on any protected group and will continue to promote equality.
- 3.35 In 2010/11 an Equality Impact Assessment was undertaken on the potential impact of the Voluntary Redundancy Programme. The equality impact upon the organisation will be determined by the employees who wish to access the voluntary redundancy programme. Approvals for voluntary redundancy will be granted on an objective basis determined by service requirement and/or objective selection criteria. However, the Council was aware of the need to be alerted to issues of age, disability, ethnicity, sexual orientation and gender discrimination. Data on uptake and approval has been monitored regularly to identify whether any equality impact is arising from the process.
- 3.36 The 2012/13 data indicates that proportionately more men than women left the Council by reason of redundancy or early retirement and proportionately more white British employees left the Council than any other ethnic group. Perhaps unsurprisingly 75% of leavers through redundancy/early retirement were over 50, with 40% were aged 60- 69 years and 4% were 70 and over. About 1 in 10 (9.5%) of leavers through redundancy/early retirement declared a disability compared to 4.5 % of the workforce, it should be noted that this figure includes employees taking early retirement on the grounds of ill-health. Detailed statistics are available on the council website at https://www.coventry.gov.uk/downloads/download/1577/workforce_information_factsheet
- 3.37 A more detailed report of the Equality & Consultation Analysis 2012/13 will be available on the Council website by 5 September 2013.

4. Results of consultation undertaken

- 3.1 Extensive consultation was carried out when the Council Plan objectives were produced and key equality groups were consulted for their views on the Equality Strategy and the measures.

4. Timetable for implementing this decision

4.1 Any revisions to the Equality Strategy will be made in line with changes to the Council Plan.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

The cost of setting and monitoring equality objectives and the Equality Strategy will be met within existing resources.

5.2 Legal implications

This report provides a progress update on what the Council is required to do to meet its obligations under the Equality Act (Specific Duties) Regulations 2011. By not publishing equality objectives and reporting progress the Council would be acting unlawfully.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The equality objectives form part of the Council's key objectives and their achievement will be performance managed alongside the Council Plan.

6.2 How is risk being managed?

The performance management of the equality objectives will help the Council to manage risk by systematically measuring progress in relation to the equality objectives of the Council Plan. This means that areas where good progress is being made can be identified, as well as those areas where progress is not as expected and where corrective action may be needed.

6.3 What is the impact on the organisation?

The Council Plan vision and objectives impact on all Council Directorates. Effective performance management arrangement at all levels will help to ensure that the Council's priorities are delivered.

6.4 Equalities / EIA

The process outlined in this report will enable the Council to comply with its obligations under the Equality Act (Specific Duties) Regulation 2011. A summary of all the 2012/13 Equality & Consultation Analysis carried out by the Council will be available on the Council website by 5 September 2013.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

By making equality information easily accessible, it makes it easier for partner agencies to obtain equalities information and will prevent the duplication of information gathering. Many

of the Council's objectives are delivered through partnership working which means that there will be implications for partner organisations.

Report author(s):**Name and job title:**

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Chief Executive's Directorate

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Shokal Lal	Assistant Director, Customer & Business Services	Customer & Workforce Services	23/07/13	25/07/13
Dawn Ford	Coventry Partnership Manager	Chief Executive's	05/07/13	
Jaspal Mann	Policy & Communities Officer	Chief Executive's	05/07/13	23/07/13
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Carol Dear	Corporate Performance Co-ordinator	Chief Executive's	04/06/13	04/07/13
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Bev McLean	Performance Information Officer	Chief Executive's	04/06/13	04/07/13
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Paul Hargrave	Programme Manager - Place	Chief Executive's	05/07/13	05/07/13
Penny Kay	Strategic Co-ordinator & Commissioning Officer,	Community Services	05/07/13	08/07/13

	Domestic Violence and Abuse			
Alison Quigley	Harm Reduction and Strategic Victim Support Officer	Community Services	05/07/13	24/07/13
Philip Johnson	(Acting) Senior HR Advisor	Customer & Workforce Services	05/07/13	05/07/13
Other members				
Names of approvers for submission: (officers and members)				
Finance: Neil Chamberlain		Finance & legal		
Legal: Gillian Carter		Finance & legal		
Director: Martin Reeves				
Members: Councillor Philip Townshend				













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Table of Equality Indicators

Council Plan Reference	Indicator title	Previous Performance 2011/12	Latest Performance 2012/13	Progress	Target	Target Status	
 <h3>Jobs and growth</h3>							
CP 1.2 (e)	Number of unemployed disabled people supported into jobs by the Council	36 2011/12	43 2012/13 <small>supported by The Employment Support Service only</small>				
CP 1.4c	Apprentices on the Council's own Apprenticeship Scheme	49 in post 31 Mar 2012	83 in post 31 Mar 2013 <small>54 new apprenticeships in 2012/13</small>		120 apprentices in 3 years 30 new apprenticeships in 2012/13		
 <h3>Better pavements, streets and roads</h3>							
CP 2.1a (e)	The percentage difference between priority and non priority areas assessed as having litter that fall below an acceptable level	Not available	Not available	N/A	No target set	N/A	
 <h3>Support and celebrate our young people</h3>							
CP 3.2c	Five good GCSEs (A* to C) including English and Maths: Coventry average	54.7%	58.7%		58.8%+ To match the England average		
CP 3.2 (e)	The percentage difference between the following and the average in achieving five good GCSEs (A*-C) including English and Maths: % achieved (% gap)						
CP 3.2c (e) i	Black African	50.0% <small>(4.7% gap)</small>	61.2% <small>(2.5% better than average)</small>		To reduce the gap		
CP 3.2c (e) ii	Mixed White Black African	50.0% <small>(4.7% gap)</small>	25.0% <small>(33.7% gap)</small>				
CP 3.2c (e) iii	Black Caribbean	42.4% <small>(12.3% gap)</small>	55.1% <small>(3.6% gap)</small>				
CP 3.2c (e) iv	Black Other	48.0% <small>(6.7% gap)</small>	60.0% <small>(1.3% better than average)</small>				
CP 3.2c (e) v	Transient Communities	39.7% <small>(15% gap)</small>	Not available	N/A			N/A
CP 3.2c (e) vi	Disadvantaged (Pupil Premium / Free School Meals)	32.7% <small>(22.0% gap)</small>	35.0% <small>(23.7% gap)</small>				
CP 3.2c (e) vii	Special Educational Needs	19.2% <small>(35.5% gap)</small>	24.5% <small>(34.2% gap)</small>				
CP 3.2c (e) viii	Looked After Children	12.5% <small>(42.2% gap)</small>	12.7% <small>(46.0% gap)</small>				
CP 3.2c (e) ix	Gypsy/Roma	0.0% <small>(54.7% gap)</small>	4.8% <small>(53.9% gap)</small>				
CP 3.2c (e) x-a	Boys	50.0% <small>(4.7% gap)</small>	53.9% <small>(4.8% gap)</small>				
CP 3.2c (e) x-b	Girls	58.0% <small>(-3.3% better than average)</small>	63.4% <small>(4.7% better than average)</small>		No target set - already above city average		
CP 3.3d	Conceptions to girls aged under 18 (rate per 1,000 15-17 year olds)	50.2 2010	48.9 2011				
 <h3>Protect our most vulnerable residents</h3>							
CP 4.1a	% of people in long-term community based services receiving self-directed support	51.3%	90.6%		100%		
CP 4.1b	Social care-related quality of life (Annual Survey)	19.0	18.9				
CP 4.3a(i) (e) i & CP 4.3a(ii) (e) i	Inequality in life expectancy at birth	Males: 11.7 years Females: 7.9 years <small>2006-2010</small>		N/A		N/A	
CP 4.3a(i) (e) ii & CP 4.3a(ii) (e) ii	Inequality in disability-free life expectancy at birth	Males: 16.6 years Females: 14.5 years <small>1999-2013</small>		N/A		N/A	







Council Plan 2012/13 End of Year Performance Report

Council Plan Reference	Indicator title	Previous Performance 2011/12	Latest Performance 2012/13	Progress	Target	Target Status
CP 4.4d (e)	Reported offences motivated by hatred/prejudice towards a person because of their actual/perceived protected characteristic of...					
CP 4.4c (e) i	...disability (disability hate crime)	21	29	N/A	 To increase reporting	N/A
CP 4.4c (e) ii	...race/ethnicity (racist incidents)	402	270	N/A		N/A
CP 4.4c (e) iii	...sex/gender or transgender (gender identity/reassignment)	2	0	N/A		N/A
CP 4.4c (e) iv	...sexual orientation (homophobia)	28	27	N/A		N/A
CP 4.4c (e) v	...religion or belief	5	10	N/A		N/A
CP 4.5	Domestic violence/abuse victims known to the police	3,048	2,899	N/A	No target set	N/A
CP 4.6a	Homelessness cases prevented	914	976		900+	
CP 4.6b	Number of households accepted as statutory homeless	578	545			
CP 4.7a	Drugs: % successfully exiting treatment	16.0% <small>Apr'11-Mar'12</small>	13.5% <small>Apr'12-Mar'13</small>			
CP 4.7b	Alcohol: % completing care planned discharge	60% <small>Apr'11-Mar'12</small>	60% <small>Apr'12-Mar'13</small>			

 **Values**

CP 5, 6 and 7 See main body of the report

 **Transforming the way we work**

CP 10.2b i	% of employees who are disabled people	3.99%	4.54%			
CP 10.2b ii	% of employees who are from an ethnic minority	12.72%	13.20%			



Public report Cabinet Member Report

Cabinet Member (Community Safety and Equalities)
Scrutiny Co-ordination Committee

4 July 2013
7 August 2013

Name of Cabinet Member:

Cabinet Member (Community Safety and Equalities) – Councillor Townshend

Director Approving Submission of the report:

Director of Customer and Workforce Services

Ward(s) affected:

None

Title:

Equalities in Employment

Is this a key decision?

No

Executive Summary:

At the Cabinet Member (Community Safety and Equalities) meeting on 11 April 2013 the Cabinet Member asked officers to produce a report and proposals setting out how vacancies at the middle and senior levels within the authority can be advertised with disadvantaged groups in mind, and highlighting further actions that can be taken to empower disadvantaged groups to gain employment within the City Council.

The Cabinet Member also requested that this work include the continued recruitment of Apprentices in line with the council's apprenticeship strategy.

Recommendations:

The Cabinet Member is requested to:-

- (1) Agree the proposals set out in this report.

List of Appendices included:

Coventry City Council Workforce Profile as at 17/06/2013
Apprenticeship Strategy Intake Information

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?

No

Report title:

Equalities in Employment

1. Context (or background)

1.1 The City Council is the largest employer within the City and it is important that processes are put in place to ensure that the Council's workforce (at all levels) is as representative as possible of the population of the City.

2. Options considered and recommended proposal

2.1 The Cabinet Member (Community Safety and Equalities) asked for a further report setting out proposals of how Apprenticeship opportunities and vacancies at the middle and senior level within the council can be advertised with the aim of disadvantaged groups in mind, and highlighting further actions that can empower disadvantaged groups to gain employment with the City Council.

2.2 The following proposals are recommended:

2.2.1 Develop a Black Minority Ethnic (BME) Employees Coaching and Mentoring Programme

2.2.2 Target recruitment activity – As specific managerial vacancies arise in addition to the normal channels of recruitment advertising, work with local community organisations and within the more deprived areas of the city

2.2.3 Deliver on the Apprenticeship Strategy – work closely with training providers focusing on supporting applications from the most disadvantaged young people across the city. In addition to this as part of the targeted recruitment activity work closely with community groups promoting the Apprenticeship scheme and opportunities

2.2.4 As part of our programme of managing talent Directors to nominate employees for the council's in-house ILM (Institute of Leadership Management) Management Development programme/qualification.

2.3 It is apparent that as the council faces up to the challenges of continued spending cuts there will be a continued reduction in the number of job opportunities, particularly at a senior managerial level. The proposals recommended in this report are about succession planning and giving disadvantaged staff the opportunity to be 'job ready' as and when opportunities arise.

3. Results of consultation undertaken

3.1 The council's overall Equality Strategy is currently subject to consultation, including with trade unions. These proposals would complement the overall Equality Strategy. Furthermore the BME Employees network recognise that these initiatives would be a positive step in helping address the under representation of BME staff at senior level.

4. Timetable for implementing this decision

4.1 The proposals will begin to be implemented with immediate effect and will be monitored on an annual basis.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

There are no specific financial implications arising from this report. Any future actions or proposals that require specific funding will be subject to the necessary financial approvals.

5.2 Legal implications

Any actions taken as a result of the Equalities in Employment Action Plan will have regard to the legal framework regarding equalities in the workplace. Section 158 of the Equality Act 2010 does allow an employer to take proportionate positive actions to enable and encourage those who share a protected characteristic such as race or sex to overcome or minimise any disadvantage they may have but it does not permit positive discrimination.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The proposals outlined will help to ensure the profile of the council's workforce as closely as possible reflects the profile of the population of the City. This is consistent with one of the council's core aims of developing a more equal city with cohesive communities and neighbourhoods.

6.2 How is risk being managed?

Risks are managed in accordance with the Corporate Risk Register

6.3 What is the impact on the organisation?

The proposals will help to ensure the profile of the workforce more closely matches the profile of the population of the City.

6.4 Equalities / EIA

Legislation requires the council to monitor and report on the gender, ethnicity and disability profile of the workforce. The proposals in this report will assist the council to improve the overall profile of the workforce ensuring a better balance of underrepresented groups.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s):

Name and job title:

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Assistant Director (Customer & Business Services)

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Customer and Workforce Services

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Sue Iannantuoni	Assistant Director (Human Resources)	Customer and Workforce Services	19/6/13	19/6/13
Usha Patel	Governance Services	Customer and Workforce Services	20/6/13	21/6/13
Bev Messinger	Director of Customer & Workforce Services	Customer and Workforce Services		24/6/13
Names of approvers for submission: (officers and members)				
Finance: Neil Chamberlain		Finance & Legal	20/6/13	20/6/13
Legal: Gill Carter		Finance & Legal	20/6/13	21/6/13
Members: Cllr Townshend	Cabinet Member		18/6/13	18/6/13

This report is published on the council's website:
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Appendices

Ethnicity of Apprentices at Coventry City Council as at 18/6/13

Asian British Indian	3
Asian British Pakistani	4
Black Caribbean	3
Mixed White Asian	1
Mixed White Black Caribbean	1
Mixed White British	72
Total	84

Coventry City Census Statistics 2011

Gender

Number (%)

Male 157,621 (49.7%)

Female 159,339 (50.3%)

Total 316,960

Ethnicity

Ethnicity (% BME)	33.4%
<input type="checkbox"/> % White British	66.6%
<input type="checkbox"/> % White Irish	2.3%
<input type="checkbox"/> % White Gypsy or Irish Traveller	0.0%
<input type="checkbox"/> % White Other	4.9%
<input type="checkbox"/> % Mixed	2.7%
<input type="checkbox"/> % Asian British: Indian	8.8%
<input type="checkbox"/> % Asian British: Pakistani	3.0%
<input type="checkbox"/> % Asian British: Bangladeshi	0.9%
<input type="checkbox"/> % Asian British: Chinese	1.2%
<input type="checkbox"/> % Asian British: Other	2.4%
<input type="checkbox"/> % Black British: African	4.0%
<input type="checkbox"/> % Black British: Caribbean	1.0%
<input type="checkbox"/> % Black British: Other	0.5%
<input type="checkbox"/> % Other	1.6%

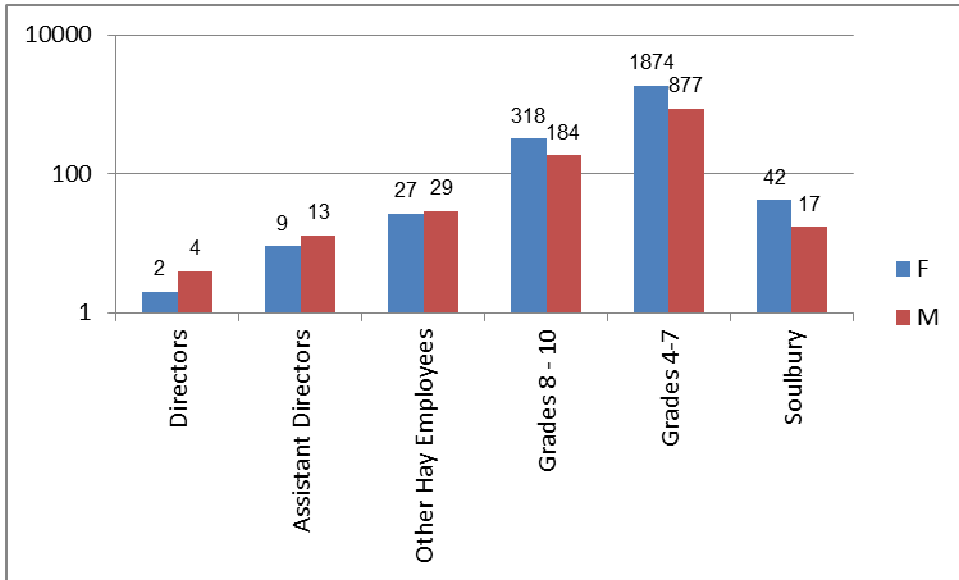
**Coventry City Council Workforce Profile – Head,
Total Contract Count & FTE as at 17/06/2013**

EMP GROUPS	Employee Headcount	Total Contract Count	Total FTE
Directors	6	6	6.00
Assistant Directors	22	22	22.00*
Other Hay Employees	55	56	54.62
Grades 8 – 10	495	502	471.60
Grades 4 – 7	2,724	2,751	2,439.60
Grades 1- 3	2,239	2,394	1,497.27
Soulbury	57	59	50.72
Totals	5,598	5,790	4,541.81

***There are 5 employees in the Public Health service who are paid at a similar level to Assistant Directors**

Breakdown by Gender as at 17/06/2013

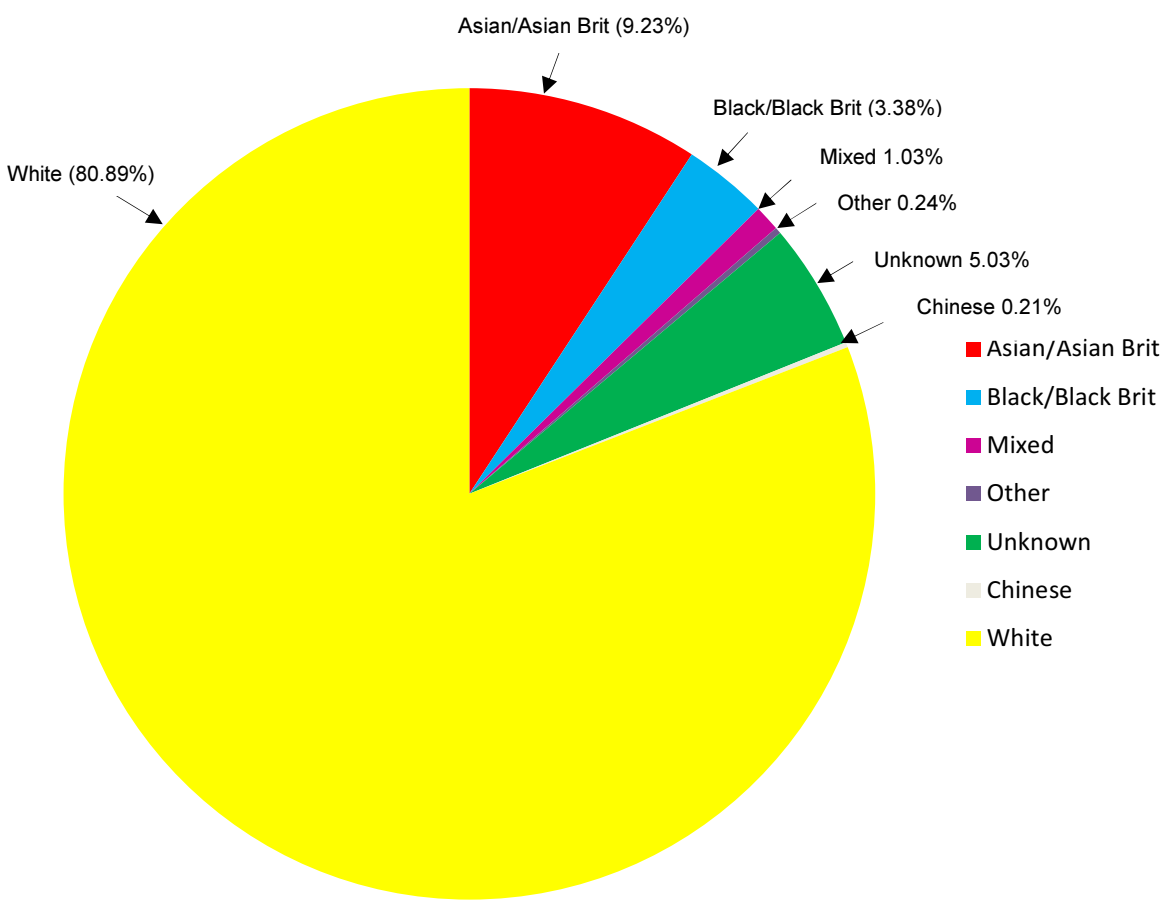
EMP GROUPS	Gender	Total Contract Count	Percentage
Directors	F	2	33.33%
	M	4	66.67%
Directors	Totals:	6	100.00%
Assistant Directors	F	9	40.91%
	M	13	59.09%
Assistant Directors	Totals:	22	100.00%
Other Hay Employees	F	27	48.21%
	M	29	51.79%
Other Hay Employees	Totals:	56	100.00%
Grades 8 – 10	F	318	63.35%
	M	184	36.65%
Grades 8 – 10	Totals:	502	100.00%
Grades 4 – 7	F	1,874	68.12%
	M	877	31.88%
Grades 4 – 7	Totals:	2,751	100.00%
Grade 1 - 3	F	1,853	71.19%
	M	541	28.81%
Grades 1 - 3	Totals:	2,394	100.00%
Soulbury	F	42	77.40%
	M	17	22.60%
Soulbury	Totals:	59	100.00%
Overall	Totals:	5,790	100.00%



Breakdown by Ethnicity as at 17/06/2013
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EMP GROUPS	Ethnicity	Total Contract Count	Percentage
Directors	White	6	100.00%
Directors	Totals:	6	100.00%
Assistant Directors	Asian/Asian Brit	1	4.55%
	White	21	95.45%
Assistant Directors	Totals:	22	100.00%
Other Hay Employees	Asian/Asian Brit	4	7.14%
	Black/Black Brit	1	1.79%
	Mixed	1	1.79%
	Unknown	1	1.79%
	White	49	87.50%
Other Hay Employees	Totals:	56	100.00%
Grades 8 – 10	Asian/Asian Brit	49	9.76%
	Black/Black Brit	15	2.99%
	Mixed	5	1.00%
	Other	1	0.20%
	Unknown	17	3.39%
	White	415	82.67%
Grades 8 – 10	Totals:	502	100.00%
Grades 4 – 7	Asian/Asian Brit	258	9.38%
	Black/Black Brit	99	3.60%
	Chinese	7	0.25%
	Mixed	29	1.05%
	Other	7	0.25%
	Unknown	148	5.38%
	White	2,203	80.08%
Grades 4 – 7	Totals:	2,751	100.00%
Grades 1 - 3	Asian/Asian Brit	319	13.32%
	Black/Black Brit	114	4.76%
	Chinese	7	0.29%
	Mixed	23	0.96%
	Other	10	0.42%
	Unknown	157	6.56%
	White	1,764	73.68%
Grades 1 - 3	Totals:	2,394	100.00%
Soulbury	Asian/Asian Brit	2	3.39%
	Unknown	1	1.69%
	White	56	94.92%
Soulbury	Totals:	59	100.00%
Overall	Totals:	5,790	100.00%

Coventry City Council Workforce Profile by Ethnicity as at 17/06/2013





Scrutiny Co-ordination Committee Report

Scrutiny Co-ordination Committee

7 August 2013

Name of Cabinet Member:

Community Safety and Equalities: Cllr Townshend

Officer Approving Submission of the report:

Assistant Director Legal Services and Monitoring Officer

Ward(s) affected:

All

Title: Changes to the Constitution: Recommendations of the Constitutional Advisory Panel.

Is this a key decision?

No

Executive Summary:

The Constitutional Advisory Panel has considered proposed changes to the Constitution and feedback from members on those proposals. The Panel has asked the Scrutiny Co-ordination Committee to consider the recommendations that the Panel will make to the Cabinet Member (Community Safety and Equalities) and give its views on them.

Any comments will go forward with the comments of the Constitutional Advisory Panel to the Cabinet Member (Communities and Equalities) who will make his recommendations on the changes to a future meeting of full Council.

This report includes, as the Appendix, a copy of the report that was considered by the Constitutional Advisory Panel (the CAP report). The CAP report has been

updated to show, in **bold**, the recommendations that the Panel has made on the points that it was asked to consider. **It is these recommendations upon which the Committee is asked to give its views.** The remainder of the CAP Report, including its three appendices, are otherwise unchanged from that presented to the Panel.

Recommendations:

The Committee is asked to give its views to the Cabinet Member (Community Safety and Equalities) on Recommendations (1) to (16) in the Appendix to this report and any other action considered appropriate.

List of Appendices included:

Appendix: Report to Constitutional Advisory Panel dated 8 July 2013

Other useful background papers:

The Revised Constitution

Has it been or will it be considered by Scrutiny?

Yes: Scrutiny Co-ordination Committee 7 August 2013

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

Constitutional Advisory Panel 8 July 2013

Will this report go to Council?

No, but a further report with all recommended changes to the Constitution will go to a future meeting of Council.

Report title: Changes to the Constitution: Recommendations of the Constitutional Advisory Panel

1. Context

- 1.1. At its meeting on 6 February 2013, the Constitutional Advisory Panel considered a briefing report on proposed changes to the Constitution. The Panel decided that the Assistant Director (Legal Services) should offer all councillors the opportunity to attend workshops on the proposed amendments and report back to the Panel.
- 1.2 Three workshops were held and a report summarising the feedback received from those meetings was presented to the Advisory Panel on 8 July. Members were asked to consider the outcome of the meetings and make recommendations to the Cabinet Member (Community Safety and Equalities) on changes to the Constitution or any other appropriate action. The Panel resolved to consult the Scrutiny Co-ordination Committee on its recommendations and to review the proposed officer delegations under Part 2b of the proposed new constitution.
- 1.3 Attached as the Appendix to this report is the original report to the Advisory Panel (the CAP report). At the end of each section of the CAP report, the Panel's recommendations are shown in **bold** and are numbered from 1 to 16.

The Committee is asked to consider these recommendations and to give its views on them to the Cabinet Member (Community Safety and Equalities)

- 1.4 The CAP report itself also includes three appendices:

- a Guide to the Changes to the Constitution, which sets out in more detail the main changes as originally proposed, (Appendix 1 to the CAP report);
- a Table showing the current and proposed Financial Thresholds (Appendix 2 to the CAP report). The Table is as it was presented to the Panel and so should be read in conjunction with Recommendations 13 and 14 ; and
- a diagram illustrating the proposed process for procurement matters (Appendix 3 to the CAP report).

These are also attached to the CAP report for completeness and to enable members to see where the main changes to the Constitution are being suggested and the reasoning behind them.

2. Advisory Panel's Recommendations

- 2.1 The Committee is asked to consider the recommendations made by Constitutional Advisory Panel so that its comments may be considered by the Cabinet Member (Communities and Equalities) alongside the Panel's recommendations.

2.2 Any comments will go forward with the comments of the Constitutional Advisory Panel to the Cabinet Member (Communities and Equalities) who will make his recommendations on the changes to a future meeting of full Council.

2.3 In addition, following the Constitutional Advisory Panel Meeting there has been some further discussion around the decision making process for procurement. The Committee will be updated at the meeting should any new recommendations be suggested.

3. Results of consultation undertaken

3.1 The appendix to this report summarises the results of consultations undertaken with councillors.

4. Timetable for implementing this decision

4.1 The amendments need to take effect as soon as they can be approved by Council.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

The financial implications relate to the proposed changes to the financial thresholds within which decisions can be made by officers, members and Committees.

5.2 Legal implications

The Council needs to make the changes to its Constitution to ensure that it reflects current statutory requirements and operational practice.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation and are fit for purpose.

6.2 How is risk being managed?

Having a Constitution that reflects changes in legislation and in the Council's structures and operating practices will ensure that the Council meets its legal obligations and will also provide better and more accurate information for the public, stakeholders, councillors and employees on how the Council is governed.

6.3 What is the impact on the organisation?

To put in place appropriate governance arrangements that reflect current statutory requirements and operational practice.

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Appendix

Report to the Constitutional Advisory Panel

Report title: Changes to the Constitution: Feedback from Member Workshops.

1. Context

- 1.1. At its meeting on 6 February, the Advisory Panel considered a briefing report on proposed changes to the Constitution. The Panel decided that the Assistant Director (Legal Services) should offer all councillors the opportunity to attend workshops on the proposed amendments and report back to the Panel.
- 1.2 This report summarises the feedback received from those meetings. The Panel should bear in mind that the workshops focussed on particular points of interest to them and did not conduct a line by line review of the Constitution.
- 1.3 Members are asked to consider the outcome of the meetings and make recommendations to the Cabinet Member (Community Safety and Equalities) on changes to the Constitution. In particular, the Panel is asked to consider the feedback from all the workshops and to inform the Monitoring Officer how they wish to proceed. Action points for the Panel are set out in bold at the end of each section.
- 1.4 A Guide to the Changes to the Constitution, which sets out in more detail the main changes proposed, has been included as an appendix to this report as has a Table showing the current and proposed financial thresholds.

2. Member Workshops: Summary of Feedback

- 2.1 Three workshops were held on 25 March, 3 April and 10 May. The second workshop also reconvened on 8 May. A total of 18 councillors attended the three sessions. The results of feedback obtained from the workshops are set out below. Where appropriate, the paragraph numbers for the particular section of the Constitution referred to are given in square brackets.

2.2 Part Two: Terms of Reference and Scheme of Delegation to Employees

2.2.1 Definition of Key Decision [2.1.3.2]

The first group thought that the proposed increase on the financial threshold for a key decision from £500,000 to £1m was reasonable. The other two groups did not comment specifically on the Key Decision threshold. However, there was much discussion on the financial thresholds for decisions on procurement matters which will ultimately have an impact on the Key Decision threshold.

Recommendation (1): The Key Decision threshold should be increased to £1million.

2.2.2 Government Consultations [2.1.6.1]

The current draft Constitution proposes that government consultations will be dealt with as follows:

"Responses to Government Consultation papers will be considered by Scrutiny Council (where such consideration is practicable within the timescale of the relevant consultation). Where the timescale of the relevant consultation does not permit consideration by Council, responses shall be considered by Cabinet or by the relevant Committee. Where the timescale of the relevant consultation does not permit consideration by Council, Cabinet or the relevant Committee, responses shall be considered by The Leader, the appropriate Cabinet Member and the appropriate Director, unless the Chief Executive determines that they relate to a "technical" issue."

All three groups were concerned at the proposal to reduce or remove Scrutiny input into responses to government consultations. However, all members recognised that due to much shorter timescales being provided for responses, there needed to be a review of the current process in order to be in a position to meet consultation deadlines.

A number of suggestions were made as to how Scrutiny could maintain an involvement in responding to consultations, such as:

- Where there is insufficient time to consult with Scrutiny, the relevant Board should be informed, in any event, of each consultation and a report made to that Board on the Council's response to the consultation
- Consultation papers could be sent to both the relevant Scrutiny Chair and the Cabinet Member. The Cabinet Member should decide, in consultation with the Scrutiny Chair, whether the matter is one that should go to Scrutiny, time permitting.

Officers would also appreciate the Panel's view on whether the separate provision for "technical consultations" should be retained. The current requirement for technical consultations is as follows:-

"Where the Chief Executive determines that a consultation paper relates to a "technical" issue, all Group Leaders on the Council shall be consulted. If any Group Leader disagrees, the Consultation paper will go through the normal process for consultations. If Group Leaders agree the paper is "technical", responses to them will be delegated to the appropriate Director, in consultation with the relevant Cabinet Member, Shadow Cabinet Member and other Group Leaders. Where practicable within the timescale of the relevant consultation, details will then be sent to all Councillors informing them of the proposed response to the consultation, asking if they wish to make any comments. The appropriate Director and relevant Cabinet Member and Shadow Cabinet Member will

then consider any such documents received before submitting the response."

Recommendation (2): Changes to the method for responding to government consultations approved subject to the Cabinet Member having the authority, at their discretion, to refer a consultation to the relevant Scrutiny Board

Recommendation (3): No change recommended to existing procedure on "technical" consultations.

2.2.3 Leader exercising Functions of Absent Cabinet Member [2.2.8]

This proposal is to give the Leader the power to exercise the functions delegated to any Cabinet Member in their absence or otherwise.

One group suggested that this power should be exercised in consultation with the Deputy Leader or appropriate Cabinet Member where possible.

However, it should be noted that there may not be another appropriate Cabinet Member, particularly where the function being exercised is not the subject of a joint report to Cabinet Members.

Recommendation (4): The power of the Leader to exercise functions of Cabinet Members should be in consultation with the Deputy Leader.

2.2.4 Policy Framework [2.3.2]

The current Policy Framework within the Constitution contains a number of policies that are either obsolete or no longer required by law to be included in the Framework. The revised Constitution proposes that the Framework should be reduced to the minimum number of policies that the law requires to be in the Framework i.e.

- Sustainable Community Strategy
- Annual Library Plan
- Plans and alterations that together comprise the Coventry Development Plan
- Children and Young People's Plan
- Local Transport Plan
- Licensing Authority Policy Statement under the Gambling Act 2005
- Youth Justice Plan
- Crime and Disorder Reduction Strategy

However, in addition to the above statutory requirement, the following policies also appear but are not required to be included in the Framework:

- Council Plan
- Housing Strategy
- Older People Strategy
- Waste management strategy

Consultation was sought as to whether the Policy Framework should be limited to those required by legislation only. One group felt that the Policy Framework should be reduced to the statutory minimum; another that the slightly expanded framework as drafted was appropriate; the third expressed no view.

Whether or not a particular policy is included in the Policy Framework is important because any amendments to that policy require both Cabinet and full Council approval. Otherwise, key policies outside the Policy Framework will be expected to be determined by Cabinet or Cabinet Members as appropriate.

Recommendation (5): The Policy Framework should be limited to the statutory minimum policies.

2.2.5 Scrutiny Sub-Groups [2.4.12.1]

The terms of reference of Scrutiny Boards includes powers for Boards to appoint sub groups (or task and finish groups). The proposed wording is:

"2.4.12.1 Scrutiny Boards may choose to create a sub-group to investigate or review a particular topic. Those sub-groups will reflect the political composition of the Council. Any Councillor, except a member of the Cabinet, may be invited by Scrutiny Board to be a member of a sub-group appointed by that Scrutiny Board, whether or not s/he is a member of that Scrutiny Board.

2.4.12.2 Chairs of Sub-Groups will be appointed by the Scrutiny Board which established the Sub-Group from amongst the members of that Sub-Group, unless the appointment of a chair is delegated by the Scrutiny Board to the Sub-Group. The Chair of any Joint Sub Group will be appointed by the Scrutiny Co-ordination Committee

2.4.12.3 A sub-group will not have any decision making authority but will make recommendations to the Scrutiny Board that created it."

One group thought that the draft should make it clear that Scrutiny Boards can co-opt non-members on to any sub-groups.

In addition, the current Constitution requires that any sub group should be politically balanced (paragraph 2.4.12.1 above). However, there is no legal requirement for sub-groups to be politically balanced because they are not formal committees or sub-committees of the Council

Recommendation (6): The text should be explicit that Scrutiny Boards are able to co-opt non elected members onto a sub group.

Recommendation (7): The requirement for political balance on sub-groups should be removed.

2.2.6 *Licensing and Planning Terms of Reference [2.6 and 2.7] and Procedure Rules [3.10 and 3.11]*

The draft Constitution proposes that the terms of reference of both committees should be deleted and replaced with a more compact statement which refers back to the regulations which prescribe their functions. In addition it was proposed that the procedure rules for both committees should be removed from and sit outside of the Constitution and that the committee be given a power to adopt and revise the rules going forward as appropriate. The purpose of these changes is to aid with the streamlining of the Constitution and to enable the regulatory committees to have autonomy over their requisite procedural and operational rules.

All three groups agreed with the suggestions for streamlining the terms of reference of the committees, subject to consulting with the Chairs of both committees. There was general agreement that the procedure rules should be removed from the Constitution and the Committees given the power to amend and approve their own rules. If however, the Rules remain in the Constitution, the Sex Establishments Hearing Rules need to be re-titled as Sexual Entertainment Venues Hearing Rules.

Officers have consulted with the Chairs of both committees who are in support of the recommendations.

Recommendation (8): The terms of reference of Licensing and Regulatory Committee and Planning Committee should be streamlined subject to the support of the Chair of Planning Committee.

Recommendation (9): The Licensing and Planning procedure rules should be from the Constitution (but sit alongside the Constitution) subject to the support of the Chair of Planning Committee.

2.2.7 *Scheme of Delegation to Employees [2.10]*

One group felt that Cabinet Members and relevant Scrutiny Boards should be given an opportunity to consider proposed officer delegations and give their views to the CAP.

Delegations to officers can cover many subject areas which would make consultation with the relevant Cabinet Members and Scrutiny Boards difficult. Should the Panel consider this to be of assistance, it may be more appropriate to consider asking the Scrutiny Co-ordination Committee to give its views on the proposed delegations.

Recommendation (10): Scrutiny Co-ordination Committee should be consulted on the proposed scheme of delegation for officers.

2.3 Part Three: Procedure Rules

2.3.1 *Honorary Alderman Protocol [3.1.3.4]*

The protocol currently sits as an appendix to Part 8 of the Constitution (Procedural Matters). As it is proposed to remove Part 8 and incorporate its contents into other parts of the Constitution, it was proposed either to move the protocol to become an appendix to the Council Procedure Rules or remove it from the Constitution but that it would sit along side it. The latter option has the advantage that it helps to streamline the Constitution and enables the Cabinet Member (Community Safety and Equalities) to make future changes to the protocol more expeditiously.

One councillor thought the Protocol should be removed from the Constitution; the others had no strong views either way.

Recommendation (11): The Honorary Alderman protocol should remain as an annex to the Council Procedure Rules.

2.3.2 *Items on Scrutiny Agenda [3.5.4.1]*

This rule was amended to reflect legislation which gives members who are not members of an overview and scrutiny committee the right to ask for an item to be placed on the committee's agenda. Certain matters are excluded from this right i.e.:

- Any matters relating to a planning or licensing decision
- Any matters where a person has a right of review or appeal
- Any matters which are vexatious, discriminatory or not reasonable to be included in the agenda or to be discussed at the meeting
- A local crime and disorder matter.

The third bullet point above enables the Chairs of Scrutiny to provide some direction over what should be included on their agendas. The right to have an item placed on the agenda does not mean that the Scrutiny Board is obliged to discuss the matter in detail or pursue it further. One group thought that where a Scrutiny Board decided not to pursue a matter placed on the agenda by a member under this provision, the Scrutiny Chair should give reasons why not, and these should be minuted.

Recommendation (12): The reasons for not pursuing a matter should be given to the member who asked for the item to be placed on the scrutiny board's agenda and minuted.

2.3.3 *Financial Procedure Rules [3.6]*

In considering the comments of councillors on the Financial Procedure rules, members of the Panel may find it helpful to refer to the table at Appendix 2 as councillors in all three groups had a number of observations on the proposed changes to the thresholds for financial approval. These were as follows:

2.3.3.1 General Observations on Virements

- (a) Aligning thresholds for capital and revenue expenditure, while easier to understand, did not recognise the fact that the same financial limits were a much greater proportion of the capital budget than of the revenue budget.
- (b) The bandwidths for lower thresholds should be shortened; and consideration given to the widening of bandwidths for higher values. The point was made that where bandwidths are used, the range of the bandwidth generally increases as the value increases.

2.3.3.2 Capital Programme Virements

- (a) There were mixed views on the proposed thresholds for financial approval, particularly around the role of the Cabinet Member in both capital and revenue budget virements. Some felt that having the Cabinet Member involved in approvals would allow more time for in depth scrutiny of capital schemes than was currently the case at Cabinet; others felt that there was a danger that decisions would be over-scrutinised.
- (b) There was concern that the new proposals would allow virements between cabinet portfolios without agreement from Cabinet: this would change the focus of the approved budget. Budgets needed to be transparent but the proposed arrangement was opaque and the reasoning behind it was not clear.

2.3.3.3 Revenue Budget Virements

- (a) Members felt that the proposal to move approval of revenue budget virements from the Cabinet Member (s) to Corporate Management Board would mean that significant levels of budget could be moved without member involvement. It was suggested that the appropriate Cabinet Member should be consulted as the sums involved could represent an entire service.
- (b) The original limits (with virements between £250,000 and £500,000 being approved by the Cabinet Member) should be reinstated.
- (c) Comments on revenue budget virements were as 2.3.3.2(b) above

2.3.3.4 Grant Income and Expenditure

- (a) With regard to grant income, in order to determine who is to make the decision, the table needs to be more specific about what "if time allows" means. Members needed to be reassured that matters will be agreed after proper consideration at an appropriate level.
- (b) One group was happy with the proposals

2.3.3.5 Debt Write-off

- (a) There were concerns about the level of debt that could be written off by officers. Relatively small amounts of debt might have political implications. Debts should normally only be written off if it was uneconomic to collect them.
- (b) There should be a small committee with an advisory role in scrutinising proposed write-offs.
- (c) One group was happy with the proposals

Recommendation (13): The financial thresholds be as follows:

- (a) Capital Programme Virements: approved as proposed;**
- (b) Revenue Budget Virements: virements above £0.25m and up to £0.5m to be approved by Cabinet Member; otherwise approved as proposed;**
- (c) Grant Income: for income above £0.5m up to £2.5m, to Cabinet, if time permits; if not, to the relevant Cabinet Member (or the Leader in their absence) in consultation with the relevant Scrutiny Chair; otherwise approved as proposed;**
- (d) Grant Expenditure: up to £0.05m- the Director of Finance and Legal Services in consultation with the relevant Cabinet Member ; over £0.05m to £0.25m- Cabinet Member in consultation with Chair of Audit and Procurement Committee; otherwise approved as proposed; and**
- (e) Debt Write Off: approved as proposed.**

2.3.4 Rules for Contract [Procurement] [3.7]

The Panel is referred to Appendices 2 and 3 to aid discussion.

There was a significant number of comments on the proposals to change the financial thresholds for procurement only. Members did not comment on any other aspect of the Rules for Contract. Those comments are summarised below.

- (a) There was a general view that the budget setting process defined what Members agreed the Council would be spending its money on, the Rules for Contract simply described the process that should be followed to define how value for money would be delivered when spending the money.
- (b) Consideration should be given to the way the financial limits had been set as this could lead to anomalies in which schemes were approved by Cabinet. For example, a 12 month scheme with a total value of just over £1m would be approved by Cabinet but a scheme that was worth much more in total (because of the length of the contract) would not go to Cabinet if the annual value was just under £1m.

- (c) There should be a mechanism to ensure that if the Council received an in-year windfall (for example, new grant monies), members should be able to decide where the money would be spent. It was acknowledged that, unless the grant monies were ring fenced for specific use, this was covered under the proposed financial approval limits for grant income. There was a strong feeling that any new money should be applied to services which had been cut, wherever possible and terms of grant funding permitted that course of action.
- (d) Councillors asked that their concern at the lack of member involvement, including lack of Scrutiny input, in the procurement process be reported back. Consideration should be given to having a committee/sub-committee of councillors to take an oversight of procurement matters before decisions were made and report any concerns to the appropriate Cabinet Member.
- (e) It was felt that some member oversight on procurement decisions at both Procurement Board and Panel level would be helpful. The Panel is reminded that since the workshops took place, the terms of reference of Audit Committee have been extended to include procurement.

Recommendation (14): The procurement thresholds be as follows:

- (a) Up to £0.05m: approved as proposed;**
- (b) Above £0.05m up to £1m: Procurement Panel in consultation with relevant Cabinet Member and Chair of Audit and Procurement Committee;**
- (c) Above £1m (total contract value): Procurement Board in consultation with relevant Cabinet Member and Chair of Audit and Procurement Committee; and**
- (d) Above £1m (per annum): approved as proposed**

NB The thresholds are subject to review.

2.4 Part Four: Codes and Protocols

2.4.1 *Code of Conduct for Employees [4.2]*

The Council's Whistleblowing Policy currently forms an annex to the Code of Conduct for Employees. It was suggested that this could be removed provided that it was made available to both the public and employees elsewhere on the Council's website. Again the purpose was to aid with the streamlining of the Constitution.

One group felt that the Whistleblowing Policy should remain as an annex to the Code of Conduct because it should have high visibility. The others made no comment on this.

Recommendation (15): The Whistleblowing Policy should be removed from the Constitution but made available elsewhere on the Council's website

2.4.2 Code of Good Practice on Planning [4.3]

The Code of Good Practice sets out the principles that govern the behaviour of councillors and officers when dealing with planning applications. The Annex to the Code is a leaflet aimed at the public and explaining their rights to speak at Planning Committee. It was suggested that this be removed from the Code and made available elsewhere on the Council's website as it had no direct link to the Code. The Chair of Planning Committee supports this proposal.

One group recommended that the Annex to the Code should be removed.

Recommendation (16): The Annex to the Code of Good Practice on Planning should be removed from the Constitution but made available elsewhere on the Council's website, subject to the support of the Chair of Planning Committee.

3. Results of consultation undertaken

3.1 The report summarises the results of consultations undertaken with councillors.

4. Timetable for implementing this decision

4.1 The amendments need to take effect as soon as they can be approved by Council.

5. Comments from Director of Finance and Legal Services

5.1 Financial implications

The financial implications relate to the proposed changes to the financial thresholds within which decisions can be made by officers, members and Committees.

5.2 Legal implications

The Council needs to make the changes to its Constitution to ensure that it reflects current statutory requirements and operational practice.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation and are fit for purpose.

6.2 How is risk being managed?

Having a Constitution that reflects changes in legislation and in the Council's structures and operating practices will ensure that the Council meets its legal obligations and will also provide better and more accurate information for the public, stakeholders, councillors and employees on how the Council is governed.

6.3 What is the impact on the organisation?

To put in place appropriate governance arrangements that reflect current statutory requirements and operational practice.

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Appendix 1

GUIDE TO CHANGES TO THE CONSTITUTION

Introduction

The Constitutional Advisory Panel requested that all members have the opportunity to comment on the proposals before they are considered by Panel in the municipal year 2013-14. Comments received will be collated and presented to the Panel.

The reasons for making the following proposals for member consideration include:

- Based on the Model Constitution in 2000
- Some areas of law has changed and constantly evolves
- To streamline the content where possible, remove repetition and enable changes in the law
- To reflect working practices
- Clarity around responsibilities and levels of decision making
- Improvement to consistency of contents and transparency
- A changing Council – commissioning and procurement
- To improve governance and robustness against legal challenge
-

SUMMARY OF PROPOSED CHANGES

Examples of Quick Wins - proposed changes include:

- Combining Summary and Explanation (Previously Part 1) and the Articles (previously Part 2) into new Part 1. Where text has come from an Article this is indicated in a comment box to the right of the entry
- Move the contents of Procedural Matters (Part 8) into more appropriate areas of the Constitution.
- Terms of Reference of all committees, including scrutiny boards, have been moved to one place Part 2
- Legislative references have been removed where possible or otherwise updated
- To reflect changes – e.g.:
 - References to Ward Forums changed to Neighbourhood Forums

- Reference has been made to the Police and Crime Panel that has been established as a joint committee
- Reference is now included to the right to petition on excessive council tax rises
- New functions have been added at paragraph 2.3.1 to deal with powers relating to coroners and elections

Proposed key changes are:

PART TWO: SCHEME OF DELEGATION

(Decision Making and Responsibility for Functions)

Section 2.1:

- Key Decisions:
 - The definition of a key decision is amended to include decisions by officers and exclude non-executive decisions to reflect recent regulations and to cover where Cabinet has made delegations to officers
 - At 2.1.3.2, it is proposed to increase the threshold of a Key Decision from over £500k to over £1 million to account for rise in inflation over 13 years and to align with the proposed procurement regime.
- Consultation Responses
 At 2.1.6, paragraphs have been inserted from Part 8 dealing with government consultation papers. Proposal is to speed up the process due to larger volume of consultations coming through and shorter time frame within which to consider them. In short:- (Page 19)
 1. Full council (if time), if not
 2. Cabinet (if time), if not
 3. Leader together with appropriate Cabinet Member and appropriate Director

Therefore Scrutiny will no longer have an automatic role in responding to government consultations but will not prohibit Cabinet requiring input from Scrutiny where time permits (Paragraph 2.4.1.4 to be deleted)

2.1.6.2 remains unchanged (where a consultation is considered 'technical')

- 2.1.8 - A new table showing “local choice functions” is included. This is because regulations provide that there is discretion over which body or person can make some decisions

Section 2.2: Functions of Cabinet

- Functions of Cabinet has been moved to this section.
- An amendment to reflect changes in the consideration of government consultations at paragraph 2.1.6;
- A new provision to make it clear that Cabinet exercises all executive functions not delegated to Cabinet Members or employees (paragraph 2.2.6.(u);
- Including the power of the leader to exercise executive decision making powers in specified circumstances for e.g. to take executive decisions that have not been allocated or where a Cabinet Member is absent (paragraph 2.2.7).

Section 2.3: Functions of Council

- The Policy Framework is amended to include those plans policies and strategies that are required by law together with the Housing and Homelessness Strategy. (paragraph 2.3.2)

Statutory plans are highlighted in Part 2a. Additional plans currently included are Council Plan, Waste Management Strategy and Older Persons Strategy.

Section 2.4: Terms of Reference of Scrutiny Boards

- At paragraph 2.4.1.5:
 - (a) the reference to Scrutiny Boards' terms of reference being closely allied to Cabinet Portfolios is deleted as this is no longer the case
 - (b) Reference is made to the other statutory scrutiny functions.
 - (c) Otherwise detailed remits of Scrutiny Boards are removed to allow easier amendment at annual council
- Various provisions relating to Scrutiny Sub Groups have been moved into one section at paragraph 2.4.12 but are otherwise unchanged e.g. paragraph 2.4.12.1 was originally 4.5.4.2 (in current Constitution); paragraph 2.4.9.2. becomes 2.4.12.2.

Section 2.6: Terms of Reference of Licensing and Regulatory Committee and Section 2.7: Terms of Reference of Planning Committee

The table setting out the terms of reference for both committees is deleted and replaced with a more compact statement of terms of reference which refer back to

the Functions and Responsibility Regulations. These Regulations stipulate what decisions should be made by these regulatory committees.

It is proposed to remove the Licensing Procedure Rules (Section 3.11) and the Planning Procedure Rules (Section 3.10) from the Constitution and give the Committees the power approve and amend their own procedures. Power to do this is therefore given to the L&R Committee at paragraph 2.6.1(f) and Planning Committee at paragraph 2.7.1(f). The Rules will be located alongside the Constitution on the intranet and internet. The advantage of this proposal will be the ability to make any required amendments in a more responsive way. Section 3.10) & 3.11 refers re: rules

Section 2.8: Functions of Appeals Committee, Appointments Panel, Independent Remuneration Committee and Audit Committee

- The terms of reference for the Appeals Panel have been clarified so that the text is easier to follow. Otherwise no other changes.

PART TWO: SCHEME OF FUNCTIONS DELEGATED TO EMPLOYEES (PREVIOUSLY PART THREE)

Sections 2.10.1 to 2.10.4

- Now includes Consultants in Public Health in the definition of Assistant Directors.
- At paragraph 2.10.1.11 the inclusion of secondary legislation or amendments in an employee's delegation is widened to include any subsequent legislation that is relevant to their service area.
- Further delegation of powers should be evidenced in writing.
- The functions of the Section 151 Officer at paragraph 2.10.3.10 have been revised to reflect current CIPFA guidance on these functions.

It is proposed that a separate, definitive list of proper officer functions should be compiled and approved by Council and made publicly available outside the Constitution.

Section 2.10.5: General Delegations

- An expanded set of general delegations for chief officers and simplified delegations to specified employees provided within approved budget and policy framework
- General powers to manage the day to day operational matters and structure of each service and employment matters (some amendments to HR yet to be made and clarifying some officer titles).
- General delegations in respect of contracts and procurement have been consolidated and updated to reflect the proposed new procurement arrangements within the Council.
- Revised powers and duties relating to financial management matters have been drafted at paragraph 2.10.5.4.

Section 2.10.6.2: Delegations to Director of Customer and Workforce Services

- Powers in respect of functions relating to the Council's health and safety obligations as an employer and occupational health have been introduced at paragraphs 2.10.6.2.14 and 2.10.6.2.15.

Section 2.10.6.4: Delegations to Director of Children Learning and Young People

- Delegations to the Director have been revised with specific delegations being grouped under two broad themed headings of "Children and Young People" and "Schools and Learning". Existing delegations have been pulled together under these headings and sub headings with additional delegations to deal with gaps in the existing Scheme.

Section 2.10.6.5: Delegations to Director of Community Services

- The delegations to the Director have been redrafted to set out the broad scope of functions of each division of the Directorate with overall responsibility for each service being delegated to generic Assistant Directors. Existing delegations have been pulled together under these headings with additional delegations to deal with gaps in the existing Scheme
- The long lists of legislative references in the existing Scheme has been removed and replaced by these more general powers to carry out the functions of the Directorate.

Section 2.10.6.6.: Delegations to Director of Finance and Legal Services

Obsolete legislative references have been removed along with delegated powers that are no longer relevant.

- The power to award all contracts for the supply of works, goods and services and other procurement functions are deleted as these are now covered by the proposed Contracts and Procurement delegations in the General Delegations and by the proposed revised Rules for Contracts.
- Clarity added to delegation for legal proceedings to cover any eventuality (paragraph 2.10.6.6.5.5).
- The Director's Finance and Audit functions (paragraph 2.10.6.6.1) have been revised to reflect his responsibilities as Section 151 officer and CIPFA guidelines.

Section 2.10.6.7: Delegations to Council Solicitor

- Provisions with regard to the review of the Constitution which were in Article 14 are now at 2.10.3.9. in a shortened format

Section 2.10.6.8: Delegations to Director of City Services and Development

- The delegations to the Director have been redrafted to set out the broad scope of functions of each division of the Directorate with overall responsibility for each service being delegated to the appropriate Assistant Director. Existing delegations have been pulled together under these headings with additional delegations to deal with gaps in the existing Scheme.
- The extensive lists of legislative powers in the existing Constitution have been removed.
- The Assistant Director (Property Asset Management) and Assistant Director (City Centre and Development Services) are given delegated authority to exchange land for and of equal value (paragraph 2.10.6.8.6.1)., to accept revised tender terms (paragraph 2.10.6.8.6.2). and a general power to appropriate land (paragraph 2.10.6.8.6.1). [Note to Carol – are these entirely new delegations or are they being moved from one part of the constitution to another?]

PART THREE: RULES OF PROCEDURE (PREVIOUSLY PART FOUR)

Section 3.1: Council Procedure Rules

- A new paragraph 3.1.3.4 has been added to refer to the Protocol for the Enrolment of Honorary Aldermen which is proposed to be attached as an appendix to the Rules. *Alternatively, the Protocol can be removed from the Constitution so that it sits alongside.*

Section 3.3: Budget and Policy Framework Procedure Rules

- Section 3.3.7 (Virements) has been removed and transferred into the Finance Procedure Rules.

Section 3.4: Cabinet Procedure Rules

- Paragraph 3.4.8.3 is amended to be consistent with the Access to Information Procedure Rules.
- The Leader taking a decision in the absence of a Cabinet Member is included to reflect the inclusion of this power in new Part 2 (paragraph 3.4.8.5).

Section 3.5: Scrutiny Procedure Rules

- Terms of reference of scrutiny boards deleted; now in Part 2.
- Paragraph 3.5.4.1 has been amended to reflect the legal requirement that members who are not members of a Scrutiny Board have the right to ask for an item to be placed on the committee's agenda, subject to the exclusion of certain prescribed matters.
- The power of boards to pay advisors, assessors or witnesses is subject to payments being within the available budget (paragraph 3.5.7.3).
- At paragraphs 3.5.12.3 and 3.5.24 text is included from the deleted Part 7.
- In the rules on limitations on call-in, the first sentence is removed, as it is redundant. (3.5.18.1), and the exemption for officer-delegated decisions now does not apply to key decisions.

Section 3.6: Finance Procedure Rules

- These Rules have been extensively revised to reflect current practices and guidance.
- The financial responsibilities of the Council, Cabinet, Cabinet members and officers are set out including thresholds for the approval of specific transactions. (paragraph 3.6.2).
- Detailed responsibilities of the Director of Finance and Legal Services are set out (paragraph 3.6.3) and the framework of delegated authority (paragraph 3.6.4).

- A table setting out financial approval limits will be attached as an appendix to the rules.

Section 3. 7: Rules for Contracts

These Rules have been amended by the insertion of new sections to reflect the proposed new procurement procedures including:

- The insertion into the Definitions section of definitions of "Panels", "People Panel", "Place Panel" and "Resource Panel"
- Updating of the Quick Reference Guide Tables
- The insertion of a new section to cover the work of the procurement panels and procurement board (paragraph 3.7.9)

Section 3.10: Planning Committee Procedure Rules and Section 3.11: Licensing and Regulatory Committee Procedure and Hearing Rules

It is proposed to remove these from (but sit alongside) the Constitution in line with the proposed together with power given to the Committees to adopt and revise the procedure rules (see 2.6 and 2.7 above).

PART FOUR: CODES AND PROTOCOLS (PREVIOUSLY PART 5)

Section 4.3: Code of Conduct for Employees

- New sections are added on the use of social media and regarding the wearing of identity badges (paragraphs 4.2.12 and 4.2.17)
- It is proposed that that the Whistleblowing Policy is referred to but removed from the Constitution (but sit alongside it). The Policy will be located alongside the Constitution on the internet and intranet.

Section 4.4: Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

- Annex: Advisory Leaflet on Planning Applications and Public Speaking Guide is removed; but be made available alongside the Constitution.

Protocol for Member/Employee Relations and Report Writing Protocol

- Both deleted.

Other

- Form for Foreign Travel and Conference Attendance protocol proposed to be deleted – not required to be located within the constitution (current paragraph 5.6.20)

PART SIX: MANAGEMENT STRUCTURE (PREVIOUSLY PART SEVEN)

- Will be updated to reflect new Director of Public Health.

PART SEVEN: PROCEDURAL MATTERS (PREVIOUSLY PART 8)

- Deleted and its provisions incorporated elsewhere in the Constitution.

Appendix 2

MAJOR CHANGES SHADED

Financial Approval Thresholds: Current v Proposed

Setting a Balanced Budget		
	Current	Proposed
Any Value	Council	Council
New Capital Schemes without Funding Identified		

	Current	Proposed
Any Value	Council	Council
Capital Programme Virements* and New Schemes with Funding Identified		
	Current	Proposed
Up to £0.25m	Capital Working Group, reporting to Management Board	Joint relevant Service Directors and Director of FLS
Above £0.25m up to £0.5m	Management Board	Corporate Management Board
Above £0.5m up to £1.0m	Cabinet	Cabinet Portfolio Holder(s)
Above £1.0m up to £1.5m	Cabinet	Cabinet
Above £1.5m up to £2.5m	Cabinet	Council
Above £2.5m	Council	Council
Revenue Budget Virements*		
	Current	Proposed
Up to £0.25m	Relevant Service Director and Director of FLS (re: employee budgets)	Joint relevant Service Directors and Director of FLS
Above £0.25m up to £0.5m	Cabinet Member(s)	Corporate Management Board
Above £0.5m up to £1.0m	Cabinet	Cabinet Portfolio Holder(s)
Above £1.0m up to £1.5m	Council	Cabinet
Above £1.5m	Council	Council

Technical Adjustments**		
	Current	Proposed
Any Value	Officers	Director of FLS
Grant Income (prior to signing grant agreement)		
	Current	Proposed
Up to £0.5m	Not included	Joint relevant Service Directors and Director of FLS
Above £0.5m up to £2.5m	Not included	Cabinet Portfolio Holder (if no time to go to Cabinet)
Above £0.5m up to £2.5m	Not included	Cabinet (if time allows)
Above £2.5m	Not included	Council
Grant Expenditure (Approval to grant awards to an external body)		
	Current	Proposed
Up to £0.05m	Not included	Joint relevant Service Directors and Director of FLS
Above £0.05m up to £0.25m	Not included	Cabinet Portfolio Holder(s)
Above £0.25m up to £1.5m	Not included	Cabinet
Above £1.5m	Not included	Council
Debt Write Off		
	Current	Proposed
Up to £0.005m	Service Manager	Director of FLS or nominee
Above £0.005m up to £0.015m	Assistant Director	Director of FLS or nominee
Above £0.015m up to £0.1m	Director of FLS	Director of FLS or nominee
Above £0.1m	Cabinet Member	Cabinet Member

Procurement (Approval to Procure)		
	Current	Proposed
Up to £0.05m	Not included	Director
Above £0.05m up to £1m	Not included	Procurement Panel
Above £1m (total contract value)	Not included	Procurement Board
Above £1m (per annum)	Not included	Cabinet

Notes:

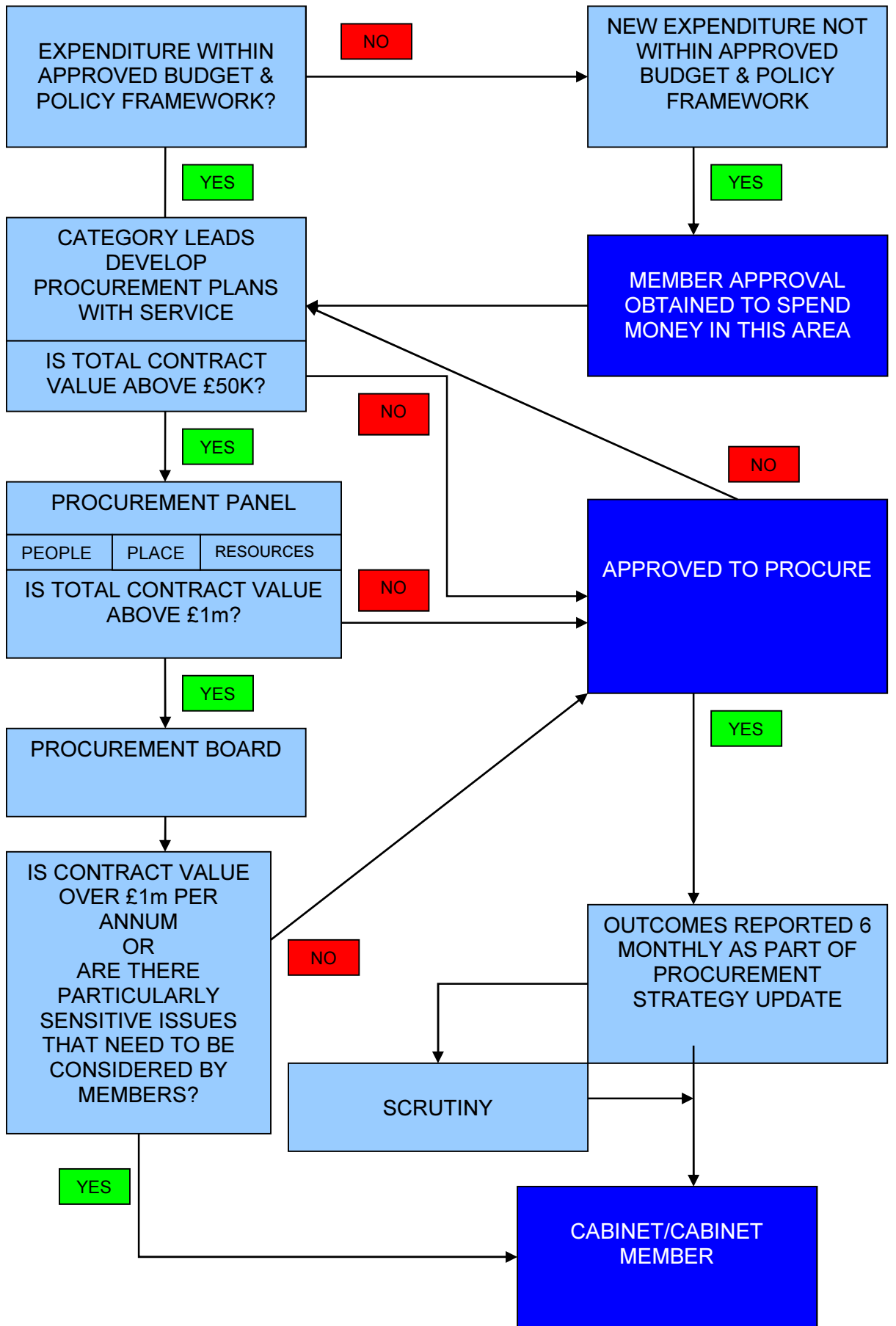
***Virement** is the planned transfer of a budget for use for a different purpose to that originally intended

**** Technical adjustments** have no overall impact on the City Council's "bottom line", and meet the following requirements:

- are internal transfers between different areas of the City Council;
- involve no new cash transactions with third parties; and
- do not increase or decrease the budget over which a budget holder has spending discretion

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PROCUREMENT GOVERNANCE



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Scrutiny Co-ordination Committee

Work Programme 2013/14

For more details on items, please see pages 2 onwards

10th July 13

- Alcohol Strategy
- Olympic Legacy Scrutiny Panel
- Outside Bodies reports back
- Review of Coventry Community Safety Partnership (CSP)

7th Aug 13

- Equalities
- Equalities in Employment
- Changes to the Constitution

11th Sept 13

- Houses in Multiple Occupation Task and Finish group

9th Oct 13

6th Nov 13

- Built Environment Enforcement

1st Dec 13

22nd Jan 14

- Public Safety Services

19th Feb 14

19th March 14

16th April 14

Date to be identified

- Review of Coventry Partnership
- Update on DVA multi-agency model
- Community Safety Partnership Annual Report
- Neighbourhood working review
- Transition between Children's and Adult's Social Care
- Immigrant communities – access to healthcare and support services, promoting values
- Welfare Reform
- Scrap Metal Licensing
- Legal Services Costs and Income
- Council Wide Marmot Plan
- Asset Based Working
- Statutory Advisor on Health
- Organisational Change

Meeting Date	Work programme item	Lead Officer	Brief Summary of the issue	Source
10 th July 13	Alcohol Strategy	Jane Moore/ Olivia Taylor	Alcohol has wide ranging impacts on people and communities particularly in relation to health and community safety. A draft Alcohol Strategy has been prepared for consideration by the Community Safety Partnership and Cabinet Member (Health and Adult Services) setting out the position in Coventry and proposals for action and the Scrutiny Co-ordination Committee will contribute to this.	Informal Scrucoco meeting 10/06/13
	Olympic Legacy Scrutiny Panel	Gennie Holmes	To feedback and report on progress on the work of the task and finish group established following the Cabinet Member (Policy, Leadership and Governance) meeting on 30 th November 2012. A progress report was presented to Scrucoco at their meeting on 17 th April 2013.	Scrucoco 17/4/13
	Outside Bodies reports back	Scrutiny Officer	To identify which outside bodies appointed to by the Council at their annual general meeting report to Scrutiny Co-ordination Committee and other Scrutiny Boards.	Annual review
	Review of Coventry Community Safety Partnership (CSP)	Sara Roach	To present to the Board the proposed changes to the CSP requested by the Police and Crime Commissioner	Informal Scrucoco meeting 10/06/13
7 th Aug 13	Equalities	Jenni Venn/ Surindar Nagra	To review the Council's annual equalities report and identify any priorities or concerns for future action or review.	Informal Scrucoco meeting 10/06/13
	Equalities in Employment	Shokat Lal	This item will look at the diversity of the Council's workforce and how the Council is encouraging a more diverse workforce. Referred to Scrucoco for monitoring from CM(Equalities and Community Safety)	CM(Equalities and Community Safety)
	Changes to the Constitution	Christine Forde/ Carol Bradford	For the Board to discuss and comment on proposed changes to the Constitution	
11 th Sept 13	Houses in Multiple Occupation Task and Finish group	Gennie Holmes/ Vicky Castree	To feedback and report on progress on the work of the task and finish group established following the Scrucoco meeting on 20 th March 2013	Scrucoco 20/3/13

Scrutiny Co-ordination Committee Work Programme 2013/14

Meeting Date	Work programme item	Lead Officer	Brief Summary of the issue	Source
9 th Oct 13				
6 th Nov 13	Built Environment Enforcement	Sara Roach	To review the effectiveness of initiatives to ensure that enforcement activity (across housing, planning, environment and community safety) is effectively joined up to deliver the best outcomes for local people and the environment, including the work of the Strategic Built Environment Group. This could include information on how the issue of empty properties is being addressed.	Informal Scrucro meeting 10/06/13
1 th Dec 13				
22 nd Jan 14	Public Safety Services	Sara Roach	To contribute to a review of risk levels and thresholds for intervention as part of review of how the service operates and engages with local people.	Informal Scrucro meeting 10/06/13
19 th Feb 14				
19 th March 14				
16 th April 14				
Date to be identified	Review of Coventry Partnership	Jenni Venn	To review the current priorities and working model of the Coventry Partnership in the context of new national and local initiatives including the LEP	Scrucro 17/4/13
	Update on DVA multi-agency model	Sara Roach/ Mandie Watson	An update on progress following the meeting on 21 st November 2012, to include an update on progress on actions from the SCR	SB4 Meeting 21/11/12
	Community Safety Partnership Annual Report	Mandie Watson	The Annual Report of the Community Safety Partnership as well as the strategic assessment informing priorities for working	
	Neighbourhood working review	Sara Roach/ Jane Moore	To look at the development and monitoring of performance measures for the new service, following the changes to neighbourhood working towards an asset based approach. Referred for monitoring by Cabinet at their meeting on 9/7/13	Cabinet 9/7/13
	Transition between Children's and Adult's Social Care			SB2 2012/13

Meeting Date	Work programme item	Lead Officer	Brief Summary of the issue	Source
	Immigrant communities – access to healthcare and support services, promoting values		Prompted by Referral and Assessment Service visit by Scrutiny Board 2 during 2012/13	Prompted by RAS visit SB2 2012/13
	Welfare Reform		To review the recommendations arising from the 2012/13 Scrutiny sub group and ensure the Council is managing the organisational requirements of the new arrangements effectively and understands their impacts on the city. Also to ensure issues relating to the impact of welfare reform and how they relate to other policies and decisions are understood.	Scrutiny Board sub group
	Scrap Metal Licensing	Sara Roach	To contribute to the development of local policy in response to the new licensing provisions being introduced under the Scrap Metal Dealers Act 2013.	Informal Scrucro meeting 10/06/13
	Legal Services Costs and Income	Christine Forde	To review opportunities to reduce external legal spend and increase income generation opportunities from the service. Scrucro or Finance and Corporate Services SB	Informal Scrucro meeting 10/06/13
	Council Wide Marmot Plan	Jane Moore	To review the Council's work as one of the Marmot Cities to improve life chances and reduce health inequalities	Informal Scrucro meeting 10/06/13
	Asset Based Working	Jane Moore	To contribute to the development of asset based working to create more resilient communities.	Informal Scrucro meeting 10/06/13
	Statutory Advisor on Health	Jane Moore	To review the role and impact of the Director of Public Health's responsibilities as the Council's Statutory Advisor on Health	Informal Scrucro meeting 10/06/13
	Organisational Change		To scrutinise the impact of the significant organisational change being planned with the creation of the People and Resources Directorates.	All Scrutiny Members meeting 26/6/13

In addition the following dates are "if required" 24th July, 28th August, 2nd October, 23rd October, 20th November, 8th January 2014, 5th February, 5th March, 2nd April