

Appendix 4: Audit and Procurement Committee Terms of Reference

1. Currently, in the Council's Constitution, the Terms of Reference of the Audit and Procurement Committee contains the following paragraph: -

8.5 Salaries To determine any salary or severance package for an employee of the Council of £100,000 or over, or such other sum as determined by legislation in respect of any new appointment or severance package provided always that any decisions on changes to the salary or severance packages in relation to the Chief Executive irrespective of the sum involved are excluded from the Committee's terms of reference and will remain with full Council to determine.

2. The Government has published draft Regulations, "The Restriction of Public Sector Exit Payments Regulations 2019" which, once introduced, will introduce a cap of £95,000 on public sector exit payments. This will include any payments which represent a cost to the employer, including ex gratia sums, redundancy and pension contributions (including any "pension strain" payments to provide pension before normal pension age). It is anticipated that the legislation will be enacted in the near future. It is therefore proposed that, once the legislation is enacted, all reference to severance packages of over £100,000 are removed from paragraph 8.5 (as the Council will be unable to approve any severance package over £95,000) and that authority to make this amendment is delegated to the Monitoring Officer and City Solicitor
3. In relation to salaries over £100,000 is proposed that for clarity, the paragraph is amended so that it is clear that approval from the Audit and Procurement Committee is only required for any proposal to create a new post with a salary over £100,000. For clarity, the paragraph relates to "salaries" over £100,000 and not "salary packages" where, for example pension contributions might take a job over the £100,00 threshold.

1. The proposed change would therefore read:

8.5 To determine any salary for a new post where the proposed salary is £100,000 or over.

5. The proposed changes outlined above would also need to be reflected in the Council's Annual Pay Policy Statement.

Appendix 5: Protocol for Conferring the Title of Honorary Alderman or Alderwoman

1. Currently, in the Council's Constitution, a Protocol for Conferring the Title of Honorary Alderman or Alderwoman is appended to Part 3A – Council Procedure Rules. A copy of the Protocol is appended to this appendix.
2. The Protocol reflects the requirements of Section 249 of the Local Government Act 1972, under which the Council confers the title of Honorary Alderman or Alderwoman. Paragraphs 1-4 of the Protocol relate to procedural and requirement matters in relation to conferring (and withdrawing) the title.
3. Paragraph 5 relates to "Privileges" that Honorary Aldermen or Honorary Alderwomen may be entitled to. It is proposed to remove this paragraph as shown by track changes to the currently published Protocol. This would enable flexibility in relation to privileges, for example one of the current privileges refers to Honorary Alderman receiving the Members' Handbook, which is no longer produced.

Protocol for Conferring the Title of Honorary Alderman or Alderwoman

1. Procedure

- a) The title of Honorary Alderman/woman will only be conferred and entered into the Roll of Aldermen/women in accordance with the Council's agreed Protocol.
- b) Any name put forward must be proposed in writing by a serving Member of the Council and seconded in writing by at least one other serving Member of the Council. Nominations must be submitted to both the Chief Executive and the Lord Mayor.
- c) Nominations will be considered and the title of Honorary Alderman or Alderwoman will be conferred at a specially convened meeting of the Council. The title will be conferred by a resolution passed by not less than two thirds of members present and voting.
- d) Nominations may, in addition to this, be considered at a prior ordinary Council meeting, and the nomination approved in principle by a resolution comprising a majority vote. If nominations are considered at an ordinary meeting, it is proposed that the specially convened meeting may be held immediately after this ordinary meeting or at a future meeting, subject to the appropriate notice of the special meeting having been given

2. Qualifications Required for Enrolment

- a) The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this Protocol, confer the title of "Honorary Alderman" or "Honorary Alderwoman".
- b) An Honorary Alderman/Alderwoman shall enjoy only those rights or privileges conferred by Section 249 of the Act and this Protocol as determined by the Cabinet Member with portfolio responsibility for the Lord Mayoralty.
- c) The ~~Executive Director of Resources~~Director of Finance and Corporate Services shall keep a roll to be called "The Roll of Honorary Aldermen/Alderwomen" of those who have had this title conferred on them.
- d) A person shall be deemed eligible to be enrolled as an Honorary Alderman/Alderwoman provided that the person meets the following requirements:

- is not a serving Member of the Council
- has served as a Member of the Council for at least ~~20~~ 15 years in total (continuously or non-continuously)
- has given eminent service to the Council during that period.

3. Method of Enrolment

- No person who has the above qualifications shall be enrolled automatically as an Honorary Alderman/Alderwoman but only in accordance with the procedure set out above.
- Formal conferring of the title of Honorary Aldermen/Alderwomen shall be by a resolution of the Council passed by not less than two thirds of the Members present and voting thereon at a meeting of the Council specially convened for the purpose with notice of the object.

4. Withdrawal of Title

- The Council may withdraw the title of Honorary Alderman/Alderwoman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefore) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council.

~~5. Privileges~~

~~An Honorary Alderman/Alderwoman shall be entitled to the following rights and privileges:~~

~~To enjoy the courtesy title of Honorary Alderman or Alderwoman and to be so addressed.~~

~~To provide a badge or emblem to Honorary Aldermen/Alderwomen, and to wear such badge or emblem on civic occasions.~~

~~To receive a copy of each Council summons and a copy of the Members' Handbook and to be included within the Members' Handbook.~~

~~To receive a framed certificate to commemorate their appointment.~~

~~To enter their name into "The Roll of Honorary Aldermen/Alderwomen".~~

~~To receive invitations to civic and social events to which Members of the Council are invited as determined by the Lord Mayor.~~

~~To walk in civic procession in a position immediately behind serving Members.~~

~~To enjoy such other privileges as the Council may confer upon them from time to time.~~

Appendix 6: Code of Conduct for Elected and Co-opted Members

1. Under Section 27 of the Localism Act 2011 each local authority must adopt a code of conduct against which councillors' conduct may be assessed. This code, when viewed, should reflect the Seven Principles of Public Life namely Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
2. The Code of Conduct for Elected and Co-opted Members for Coventry City Council is set out in Part 4A of the Constitution.
3. In January 2019 the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report made 26 recommendations to the Government that CSPL considered would enable councillors to be held to account effectively to the Seven Principles and which would enhance the fairness and transparency of the standards process. A number of these recommendations involve legislative changes however CSPL has also identified 15 "best practice" recommendations for local authorities which represents a benchmark for ethical practice which the CSPL expects authorities to implement.
4. The report of the CSPL and its recommendations have been considered by the Ethics Committee and the best practice recommendations form part of the committee's agreed work programme. Two of these recommendations require additions to the current Code of Conduct for Elected and Co-opted Members and are therefore constitutional changes.
5. These two best practice recommendations are:-
 - o Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
 - o Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
6. The consequential proposed additions to the Code are set out below with proposed amendments shown as track changes. Only the relevant section of the Code of Conduct is attached.

PART 4A: CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS
COVENTRY CITY COUNCIL

3. As a Member of Coventry City Council, I will act in accordance with the principles in paragraph 2 and, in particular, I will
- (a) Champion the needs of residents - the whole community and all my constituents, including those who did not vote for me - and put the public interest first.
 - (b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - (c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the City of Coventry or the good governance of the Council in a proper manner.
 - (d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this Authority.
 - (e) Listen to the interests of all parties, including relevant advice from statutory and other professional officers, take all relevant information into consideration, remain objective and make decisions on merit.
 - (f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
 - (g) Contribute to making the City Council's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
 - (h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
 - (i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
 - (j) Always treat people with respect, including the organisations and public I engage with and those I work alongside.
 - [\(k\) Not bully or harass any person \(including specifically any Council employee\) and I will not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in](#)

any complaint about any alleged breach of this code of conduct.

Note:

Bullying may be characterised as:

· offensive, intimidating, malicious or insulting behaviour; or
· an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

Bullying and/or harassment may take many forms and may relate to a variety of issues. For example, bullying and harassment may relate to:

· age
· disability
· gender reassignment
· race
· religion
· belief
· sex
· sexual orientation

However, this list is not exhaustive, and any form of bullying or harassment is prohibited by the Code of Conduct.)

- (l) Comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this Code of Conduct
- ~~(k)~~(m) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- ~~(j)~~(n) Not disclose information given to me in confidence by anyone or information acquired by me, which I believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.
- (o) Comply and co-operate with any formal standards investigation into my conduct, or that of any other elected or co-opted member.
- (p) Not make trivial or malicious allegations that other elected or co-opted members have breached this Code of Conduct.

Appendix 7: Revisions to The Functions of Licensing and Regulatory Committee and to the Scheme of Delegation to Employees

1. The current function of the Licencing and Regulatory Committee includes the responsibility for authorising all legal proceedings relating to:-
 - Fair Trading and Trading Standards
 - Pest Control and Animal Welfare
 - Noise and other nuisances
 - Food Safety
 - Environmental Protection
 - Health and Safety
 - Licensing (specifically Licensing Act and Gambling Act functions)
2. This function creates ultra vires issues as the Licencing & Regulatory Committee is a non-executive and non-area committee and therefore it cannot lawfully hold the power to authorise prosecutions in relation to executive functions.
3. The Committee is also considering information that is not at an evidential standard for prosecution in line with the Code for Crown Prosecutors and later decisions around continuing with a prosecution need to be made. This can cause further difficulties in terms of managing information in line with the access to information procedure rules.
4. A recent benchmarking exercise highlighted that Coventry City Council was unique amongst Local Authorities in presenting cases to a Committee to hear the matter. It is therefore proposed that the authorising of all legal proceedings relating to the functions detailed in paragraph 1 above is removed from the functions of the Licensing and Regulatory Committee.
5. The consequential proposed amendments to the Constitution are set out below with proposed amendments shown as track changes.

PART 2F: LICENSING AND REGULATORY COMMITTEE

Reference should also be made to any Codes of Best Practice and Procedure Rules for licensing and regulatory matters made by the Committee.

1. Composition

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council.

2. Chair

The full Council will appoint the Chair and Deputy Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Deputy Chair will chair the meeting. In the absence of both the Chair and Deputy Chair, the Committee will elect another member of the Committee to chair the meeting.

3. Quorum

The Quorum of the Committee will be 5 members.

4. Functions Delegated to the Licensing and Regulatory Committee

The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 2M of this Constitution and subject to those provisions regarding legal proceedings.

- (a) To exercise the functions of the Council as Licensing Authority for the purposes and requirements of the Licensing Act 2003 and the Gambling Act 2005 except where functions are reserved to full Council;
- (b) To exercise the functions of the Council as Licensing Authority for all other relevant licensing and regulatory legislation including (without limitation) that which relates to acupuncture and body piercing, animals and pet shops, hackney carriage and private hire (taxis), house to house and street collections, street trading, sexual entertainment venues, safety of sports grounds, food, meat and dairy production, caravan and camping sites, scrap metal (including the power to set fees for scrap metal licences and related applications), zoos, alcohol, pleasure boats and pleasure vessels, tattoos, electrolysis, markets, Clean Air Act, environmental pollution control (including IPPC permits), approval of premises for the solemnisation of marriages and civil partnerships, alcohol disorder zones and smoke free premises as well as any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 together with any Local Choice functions delegated to the Committee by Council as set out in Part 2A;

- (c) To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing and regulatory matters and revisions to the local statements of licensing policy;
- (d) To establish sub-committees comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005;
- (e) To delegate these functions, where appropriate, to the Deputy Chief Executive (Place) the appropriate Director or Assistant Director or other appropriate employees; and
- (f) To approve, adopt, review, amend and revise codes of best practice and procedure for licensing and regulatory matters within its terms of reference and to make the same publicly available.

5. Matters incidental to the exercise of the Committee's delegated functions

- 5.1 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.
- 5.2 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- 5.3 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration, including powers to charge for licenses, consents, permissions and permits in accordance with appropriate legislation.

6 Legal Proceedings

- ~~6.1 The Licensing and Regulatory Committee shall (except where delegated to an Employee under Part 2M) have the power to institute, defend and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it.~~
- ~~6.2 The Licensing and Regulatory Committee has retained the responsibility for authorising all legal proceedings in relation to those functions delegated to it except where this has been delegated to an employee under Part 2M.~~

PART 2M: Scheme of Delegation to Employees

Paragraph 6.6

<i>Fair Trading and Trading Standards*</i>		
44	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to fair-trading, trading standards, weights and measures and consumer protection. Specifically, but not exclusively, to: (a) to investigate trading standards offences suspected to have arisen within the City; (b) to conduct underage test purchasing of age-restricted products; (c) prohibit or suspend the sale of dangerous goods, substances or articles; and (d) promote the rights of consumers and fair-trading with businesses.	Director of Streetscene and Regulatory Services and the Head of Planning and Regulation.

*Pest Control and Animal Welfare**

45	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to animal welfare, animal health and animal waste products.	Director of Streetscene and Regulatory Services and the Head of Environmental Services.
46	Cleanse and disinfest filthy or verminous persons and premises and treat and take other action in relation to infestations of pests and pest control.	Director of Streetscene and Regulatory Services and the Head of Environmental Services.

*Noise and other nuisances**

47	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to: (a) consent to the use of noisy equipment and approaches where building work is proposed; (b) seize articles and equipment; and (c) undertake work in default where a notice is not complied with.	Director of Streetscene and Regulatory Services and the Head of Environmental Services.
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*Food Safety**

48	Generally to take action and operate all legislative, enforcement and administrative procedures in pursuit of food safety and food hygiene and in relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged in the authority's capacity as an employer). Specifically, but not exclusively, to: (a) prohibit food business operations; (b) promote food safety and undertake training; and (c) seize unfit food.	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
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*Environmental Protection**

51	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to environmental health and protection including maintaining a register of notices served under environmental health legislation apart from those which relate solely to the protection of	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the
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	persons at work.	Head of Planning and Regulation as appropriate.
52	Generally to take action and operate all legislative, enforcement and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to: (a) maintain a register of remediation notices in relation to contaminated land; (b) authorise specified burning processes; (c) carry out Part IIA contaminated land investigations and identify remedial requirements; (d) environmental permitting; (e) review and monitor air quality; and (f) environmental management of construction sites.	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
<i>Health and Safety*</i>		
55	Generally to take action and operate all legislative, enforcement and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to: (a) appoint inspectors; (b) agree transfers of enforcement responsibility between the Health and Safety Executive and the Council (c) promote health and safety, and undertake training; and (d) seize articles and equipment.	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
<i>Licensing*</i>		
56	The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to: (a) Health and Safety; (b) Pollution Control/Environmental Health; (c) Weights and Measures; and (d) A licensing authority.	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
57	The functions of the Council as Licensing Authority under the Licensing Act 2003 to: (a) determine applications relating to licences and certificates where there are no representations outstanding; (b) deal with requests to vary or to be removed as	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the

	<p>a designated premises supervisor;</p> <p>(c) make decisions on whether an objection or representation is irrelevant, frivolous, vexatious etc;</p> <p>(d) receive/acknowledge temporary event notices and serve S.107 counter-notices;</p> <p>(e) suspend a premises licence or club premises certificate if the holder of the licence/certificate has failed to pay the Council an annual fee;</p> <p>(f) maintain the public register; and</p> <p>(g) determine minor variation applications.</p>	Head of Planning and Regulation as appropriate.
58	The Council's enforcement functions under Part 7 of the 2003 Act.	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
59	<p>The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to:</p> <p>(a) the Licensing Authority</p> <p>(b) Environmental Health/Pollution.</p>	Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.
60	<p>The functions of the Council as "licensing authority" under the Gambling Act 2005 to:</p> <p>(a) process applications for premises licences (including variation and transfer), provisional statements and determine such applications and applications for club gaming machine permits where no representations are outstanding;</p> <p>(b) process and determine applications for all other types of permit, not referred to above including, but not limited to, Street Collection Permits, House to House Collection Permits, Small Lotteries Registration, Gaming Machine Permits;</p> <p>(c) receive/acknowledge temporary use and occasional use notices;</p> <p>(d) cancel licensed premises gaming machine permits;</p> <p>(e) process and determine small society lottery registrations;</p>	<p>(a) and (c) to (h): Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.</p> <p>(b): Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as</p>

	<p>(f) exercise the Council's powers of entry and inspection;</p> <p>(g) maintain the public register; and</p> <p>(h) determine whether representations received from external, responsible authorities and interested parties are frivolous, vexatious or would certainly not influence the determination of an application.</p>	<p>appropriate except where there is a history of non-compliance; or the application is non-routine; or reservations are expressed by a consultee.</p>
61	<p>Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the licensing, registration, inspection and issuing of permits or consents in respect of persons or premises and any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 (as amended from time to time) so far as they relate to Public Safety and Housing.</p>	<p>Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.</p>
62	<p>To make minor amendments to the Street Trading Consent Terms and Conditions and to approve fee waivers in appropriate cases.</p>	<p>Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate.</p>
63	<p>To take all necessary action in connection with scrap metal dealers and their premises including:</p> <p>(a) processing and approving applications and the supply of information to external agencies;</p> <p>(b) powers of entry, inspection and enforcement of relevant legislation;</p> <p>(c) the inclusion of conditions on licences;</p> <p>(d) power to refuse applications for licences if no hearing is requested;</p> <p>(e) power to refuse applications to vary licences and applications in connection with conditions attached to licences if no hearing is requested; and</p> <p>(f) power to revoke licences if no hearing is requested.</p>	<p>Director of Streetscene and Regulatory Services and the Head of Environmental Services and the Head of Planning and Regulation as appropriate except that in (d), (e) and (f) if a hearing is requested by an applicant, the power to hear the matter rests with the Licensing and Regulatory Committee.</p>

6.6.108 — Legal Proceedings: Licensing and Regulatory Committee

~~The authority to act given to the Deputy Chief Executive (Place) and to other nominated employees in connection with services marked with a * above,~~

~~does not imply the power to commence legal proceedings in any court or tribunal without the consent of the Licensing and Regulatory Committee, Cabinet or relevant Cabinet Member (as the case may be) or the City Solicitor except in the case of:~~

- ~~(a) "acid house parties" or any entertainments of a similar kind;~~
- ~~(b) noise nuisance proceedings relating to domestic premises;~~
- ~~(c) an alleged offender arrested by the police and charged whilst in police custody;~~
- ~~(d) proceedings under the Enterprise Act 2002;~~
- ~~(e) proceedings in connection with controlled or extractive waste~~

~~and any other regulations made thereunder.~~