

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at
12.30 pm on Monday, 21 March 2022

Present:

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

Other Members: Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

Law and Governance: J Newman (Director), S Bennett, G Carter, G Holmes, S
 Harriott

Streetscene and G Hood, T Wetherhill
Regulatory Services:

Apologies: Councillor P Hetherton, Cabinet Member for City Services

Public Business

29. Declarations of Interest

There were no declarations of interest.

30. Minutes

The Minutes of the meeting held on 10 February, 2022 were agreed and signed as a true record.

There were no matters arising.

31. Draft Urban Forestry Strategy

The Cabinet Member for Policing and Equalities considered a report of the Director of Streetscene and Regulatory Services which outlined progress being made in the development of the City Councils Urban Forestry Strategy (the Strategy). A copy of a draft Strategy was attached as an Appendix to the report.

The draft Strategy outlines the current condition and state of the urban forestry. The drafting of the Strategy included two workshops with Elected Members and the Coventry Tree Warden Network, to allow for ideas and aspirations to be included. Subsequently two phases of consultation have been undertaken, the first with internal departments and the second with key stakeholders and partners. The information received has been translated into the detailed action plan which supports the report.

The draft Strategy recognises the value and importance of the urban forest, particularly in mitigating pollution, heat, flooding and wind as well as its value towards biodiversity, wildlife, the community's health and wellbeing, overall quality

of the urban environment and economic value. A number of challenges and opportunities are discussed within the draft Strategy. Reductions in Government spending has led to a decreased spend in greenspaces and, as a result, lack of funding has been identified as a main constraint in both improving and maintaining the tree stock. The draft Strategy recommends that focus should be made in maximising funding through S106 agreements, exploiting opportunities arising from Regeneration and Business Improvement Districts in establishing sustainable urban forests, along with establishing effective partnerships with developers and landowners.

The importance of strategically managing the urban forest is highlighted and the draft Strategy makes reference to a number of Coventry City Council Policies which touch the City's urban forest including the Coventry City Council Area Action Plan, Development Strategy and the recently adopted Greenspace Strategy. The draft Strategy acknowledges the significant work done by Coventry's Urban Forestry team to explore new ways of working and provide better value for money in tree maintenance. A number of aspects are recognised as significant, including the management of all street trees, the adoption of Tree Risk management processes and procedures to ensure the establishment of new trees.

The draft Strategy contains themes and key actions on:

- Planning: ensuring we have robust and relevant urban forest policies and technical guidance to facilitate high quality design and development.
- Protection: putting biodiversity and the health of trees at the heart of all our work.
- Procedures: ensuring we have appropriate operational plans and processes that are regularly monitored and reviewed.
- Projects: developing and creating long term projects for the management and enhancement of the urban forest in Coventry.
- Prosperity: making the link with the urban forest and natural capital for sustainable economic regeneration.
- promotion: having a presence and getting the message across to all our stakeholders and customers.
- Partnerships: building on existing and facilitating new working relationships for the benefit of the urban forest in Coventry.
- Profile: having a presence and influencing colleagues, stakeholders and professional networks in decision making.
- Pioneering: using technology and new ways of working to create innovation and efficient working.

It was noted that the Cabinet Member for City Services, Councillor P Hetheron, has been kept informed of the development of the proposal as her portfolio responsibilities include trees on public highways.

The report indicated that the draft Strategy is at a final draft stage and ready to go out to public consultation, the outcome of which will be presented to full Cabinet for consideration and adoption.

RESOLVED that the Cabinet Member for Policing and Equalities:

- a) Notes progress in the development of the Urban Forestry Strategy through two phases of consultation, as detailed within the report.**
- b) Approves the undertaking of public consultation on the draft Strategy**

32. One Coventry Elected Member Training and Development Strategy

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the City Council provides a range of training and support for Members, including an induction programme for newly elected Members, specific training to support Members in roles such as members of Planning Committee or Licensing and Regulatory Committee, and specific topical issues as they arise. Members are also able to attend training and events run by other organisations. However, the uptake of training by Members has been low.

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

In order to enable executive oversight and strategic approach to training as well as raising the profile of training with Members, a Strategy has been developed to support the delivery and promotion of a Members' Training Programme. The draft One Coventry Elected Members Training and Development Strategy was attached as Appendix A to the report. The draft Strategy has been developed following research to identify how to support Members training and development needs and included consultation with Members. A summary of the research findings was appended as Appendix B to the report.

The Council's specific lead officer for Member Development was deleted following a restructure in 2014. Officer time has recently been identified within the Members and Elections Team to further develop the training and development offer for Members. The training budget has also been transferred from Organisational Development to Members and Elections with the aim to be able to identify and deliver the specific requirements of Members in respect of their training and development.

The draft Strategy covers:

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

To oversee the governance and delivery of the Strategy, a cross-party Cabinet Member Advisory Panel has been established to review Members training needs, recommend a training and development programme to the Cabinet Member, monitor delivery of, and evaluate the programme to inform future planning. This Panel has been in place since September 2021. The Terms of Reference for this Panel were detailed in Appendix 1 of the draft Strategy.

In order to ensure that a wide range of training and development is offered to Members, a training matrix will be developed and endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated to ensure it meets Members' training need and will provide a programme of mandatory training, which all Members will be required to complete throughout their term of office. In addition to this there will be role specific mandatory training for those Members with special responsibilities, or who sit on specific Committees.

It is proposed that Mandatory training for all Members will include:

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

Most of these training programmes are available through the Council's online learning portal, but preferred delivery style will be assessed through consultation with Members. There will also be Mandatory training for specific roles, for those Members who sit on Licensing and Regulatory Committee, Planning Committee, Audit and Procurement Committee, Shareholders Panels and HR Appeals Panel. It is proposed that the Constitution be amended to include, within the functions of each relevant Committee, the requirement that all Members shall have received appropriate training before carrying out any of the functions that are delegated to that Committee and that this role specific training should take place on an annual basis to ensure that decision making by Members is based on the most up to date and relevant information, legislation, and guidance.

It is also proposed that there will also be a programme of regular in-house supplementary training, identified by regular training needs analysis through consultation with Members. This will be organised and arranged, but not necessarily delivered, internally by Council officers. In addition to an in-house programme, Members will be able to request to attend ad hoc one-off training requests delivered by external organisations, such as the Local Government Association (LGA). A training request pro-forma will be developed and managed by the Members Training and Development Co-ordinator. There will be a budget allocated to enable one-off requests.

Members will also be able to request additional training, where several Members have identified that a greater understanding of an issue is required and is not

covered by the current offer. This will enable the training and development programme to be responsive and flexible to Members training needs.

RESOLVED that the Cabinet Member for Policing and Equalities:

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

33. Proposed Changes to the Constitution

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and needs to be updated from time to time to ensure that it reflects changes in practices within the Council.

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

1. Revisions to the Coventry Shareholder Committee Terms of Reference: Part 2N of the Constitution

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2N - Coventry Shareholder Committee Terms of Reference there be:

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

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

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

- (b) Additional wording to be inserted to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

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

2. Revisions to the Functions of Scrutiny, paragraph 6: Education Representatives: Part 2D

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2D - Functions of Scrutiny, paragraph 6: Education Representatives the introduction of:

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

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

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

Part 2D of the Constitution deals with Scrutiny. In particular, paragraph 6 deals with education representatives and the Constitution divides PGRs into primary and secondary representatives. There is also nothing in the Constitution about what the term of office is which is required under the legislation. There are now no maintained secondary schools left in the city and the number of maintained primary schools is also greatly reduced. The most up-to-date version of this legislation has been checked and it is confirmed that the position remains the same and reference is only made to maintained schools but there is no stipulation that there must be a separate primary and secondary school PGR.

3. An update to the Management Structure: Part 6

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

In respect of Part 6 – Management Structure that:

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

4. Revisions to General Principles, Paragraph 6: Government Consultation: Part 2A

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2A - General Principles, paragraph 6: Government Consultation Papers:

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

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

Practice has shown that deadlines are often relatively short on Government Consultation Papers. Although Council meet approximately once a month, resources are needed to be pulled together to answer the Government Consultation Paper and a consultation is required with the relevant Cabinet Member. It can be challenging to meet the deadline for the response and take the matter to Council as well. It is considered that oversight with the Cabinet Member is generally adequate. The Shadow Cabinet Member is also consulted and will give the cross-party position on the matter. Where the Government Consultation is high profile or of a particular matter of substantial public importance this could still go to Council and will be drafted into the updated wording.

5. Revisions to Taxi Licensing Delegations, paragraph 6.15: Part 2M

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2M -Taxi Licensing Delegations, paragraph 6.15:

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

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

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

The proposed changes to the Constitution were detailed in the Annexes to the report.

At the meeting, the Cabinet Member noted that the Education and Children’s Services Scrutiny Board (2) had considered the proposed changes in relation to co-opted Members at their meeting on 17 March, 2002 and had supported the proposals.

RESOLVED that the Cabinet Member for Policing and Equalities recommends to Council the approval of Recommendations (1) to (5) below, with immediate effect; and that Council authorises the Director of Law and Governance to make any necessary amendments to the Constitution.

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

- (2) With regard to the Functions of Scrutiny in respect of Parent Governor Representatives:**

- (a) The requirement for a Parent Governor Representative from both a maintained primary and secondary school in the City be removed (instead introducing a requirement for a generic parent governor who could technically be from any maintained school); and
 - (b) A maximum four year term of office and minimum of two year term of office for Parent Governor Representatives be inserted into the Constitution.
- (3) The Management Structure in Part 6 and the Scheme Of Delegations in Part 2 to be updated to reflect changes to staff and job titles.
 - (4) The change of wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.
 - (5) An addition to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the “Smoke Free Legislation” with the written permission of the City Solicitor

34. **Amendment to the Constitution - The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the Members’ Planning Code of Good Practice (“Model Code”) was originally prepared in 2013-4 in response to a series of successful court challenges around local planning authorities and their Members’ conduct or conflicts of interests. The Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time. A copy of the Model Code was attached as Appendix A to the report.

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

The Model Code takes into account the following:

- a) Updates to the Seven Principles of Public Life (the ‘Nolan principles’);
- b) Commentary from the Committee on standards in public life;
- c) The changes in the approach to codes of conduct;
- d) The changes to predetermination introduced by the Localism Act 2011;

- e) The guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

Whilst broadly similar to the Model Code, the proposed revised Model Code contains some differences to the LLG version, in keeping with established practice at Coventry City Council. The main changes are as follows:

- a) References to "you should", "your responsibility is" etc have been removed and replaced with "Members should", "Members' responsibility is etc";
- b) At paragraph 3.2 the word "must" is used in relation to mandatory training for Members before sitting on the Planning Committee, ensuring that all Member must be trained before they attend Planning Committee meetings;
- c) Reference is made to the Employee Code of Conduct in regards to "Respect" at paragraph 4.2 to reiterate that this value is embedded in both the Employee and Member Codes of Conduct;
- d) Consideration of "material interests" has been clarified at paragraph 7.3.3;
- e) Paragraph 7.4 has been removed in its entirety as bias may not just exist in relation to Council owned land.

The current Code of Good Planning Practice for Members and Employees Dealing with Planning Matters ("Current Planning Code") sits in the Constitution and has been absorbed into the Constitution over time despite the fact that it is a document that was intended to be "appended" to the Constitution.

The views of the Planning Committee had been sought on the proposed revisions and the Cabinet Member for Policing and Equalities was informed that Planning Committee had endorsed the proposed revisions with the following proposed modifications, which were accepted by the Cabinet Member:-

- 1) At paragraph 1.2 (part of the introduction) in the third sentence, the word 'your' to be replaced by the word 'their'.
- 2) The wording at Paragraph 7.3.3 and 7.3.4 (which relate to what Members should keep in the front of their mind when making a decision) to be revised as follows:-

- 7.3 Members should keep at the front of their mind that, when they come to make the decision, they:...
 - 7.3.3 represent the interests of the whole community,
 - 7.3.4 must do so in accordance with the development plan (Local Plan) unless material considerations indicate otherwise,
 - 7.3.5 must only take into account material planning considerations, which can include the views of the public where they relate to relevant planning matters (Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons),
 - 7.3.6 are to come to a decision after giving what they feel is the right weight to those material planning considerations.
- 3) Removal of "Part 4C" from the header and title and simply naming the document as – *Code of Good Practice for Members and Employees Dealing with Planning Matters* – on the basis that this document will be removed from the body of the Constitution and will instead be appended to the Constitution.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council adopts the Revised Planning Code as attached as Appendix B to the report with the modifications as outlined in 1) -3) above, with effect from the start of the 2022/23 Municipal Year and authorises the Director of Law and Governance to update the City Council's Constitution to remove the Revised Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution.

35. **Outstanding Issues**

There were no outstanding issues.

36. **Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 1.00pm)