
Council Meeting

4 September 2018

Booklet 1

Answers to Written Questions

1.	<p>QUESTION SUBMITTED BY: Councillor Bailey</p> <p>TO BE ANSWERED BY: Councillor Abbott, Cabinet Member for Adult Services</p>
<p>TEXT OF QUESTION:</p> <p>“With the criteria changing in 2019 to allow residents to apply for a blue badge disability pass for those with hidden disabilities, will Coventry City Council be making changes to deal with the increase in applications? Otherwise the waiting period for processing an application can only increase.”</p> <p><u>Answer:</u></p> <p>The changes in criteria are likely to increase the number of Blue Badges issued. It is not possible to assess the increased demand at this point but similar changes in Scotland resulted in a less than 3% increase in demand.</p> <p>The changes will also bring opportunities to enhance efficiencies in the processing of applications for badges. With increased automatic allocation (permitting more “desktop assessment”) and reducing the need for an Independent Mobility Assessor there is the potential for some types of badge applications to be processed more quickly without any additional resource implication.</p> <p>The government plans to issue a statutory instrument in November 2018 to encompass the changes. In the meantime they are working with medical professionals and key stakeholders (including representatives from local authorities) to develop the guidance to enable local authorities to administer the new scheme. Once such guidance is available we will be better placed to understand the requirements and implications , including cost, associated with the changes,</p>	

2.	<p>QUESTION SUBMITTED BY: Councillor Williams</p> <p>TO BE ANSWERED BY: Councillor Maton, Cabinet Member for Education and Skills</p>
<p>TEXT OF QUESTION:</p> <p>“Is the Cabinet Member aware of a complaint to the London Borough of Lewisham, upheld by the Local Government Ombudsman, which stated that the Council needs to have a policy for providing school transport for disabled children between the ages of 16 -19?”</p>	

Answer:

The Cabinet Member confirms that he is fully briefed on the context and outcome of the complaint to the Ombudsman, lodged by Mrs X on behalf of herself and her 19 year old son Mr Y. The full report which is available at <https://www.lgo.org.uk/information-centre/news/2018/aug/council-school-transport-policies-must-not-fail-young-adults-with-disabilities> and attached for reference, sets out a catalogue of faults relating to The Borough of Lewisham's statutory responsibilities under the Children and Family Act 2014 and the Care Act 2014. It should be noted that the provision of transport was therefore only one, of many issues considered in that case.

It is evident that the specific aspects of the Ombudsman's findings, that related to the provision of transport to both college and care provisions, included Lewisham Council's apparent failure to have a **Post 19** transport policy in place; failure to formally assess Mrs Y's needs as a carer under the Care Act 2014; failure to make timely and informed decisions on transport needs and entitlement; and failure by the assessing social worker, to secure Mrs X's consent to drive Mr Y's Motability vehicle when directing her to do so. In summary the Ombudsman found fault not in the decision, but in the way the decision in that case was made. It should be noted that an Ombudsman cannot determine if a decision is right or wrong, it can only look at administrative fault and poor service.

The Cabinet Member affirms that Coventry is not in this position and is assured that this scenario could not happen in this City. It is an evidenced fact that the City Council has appropriate travel policies in place and that these have been made available on Coventry's Local Offer. The policies are accessible at: <http://www.coventry.gov.uk/travelassistancepolicies>

Coventry City Council's approved travel assistance policies and statements, include provision for children of statutory school age; 16 to 18 years of age and adults aged 19 years and over.

Cabinet Member confirms that the Council has sought advice from leading Counsel (Barrister) on these matters. The advice received, included specific wording on the definition of the term 'necessary' as set out under section 508F of the Education Act 1996, which has been adopted in full, in the 'Post 19 Clarification Statement'.

The Cabinet Member is therefore assured that Coventry City Council takes into account a range of factors in assessing if the Council deems it 'necessary', to arrange free transport for adults attending educational provision post 19. This does not appear to have been the case in Lewisham at that time.

It is a fact that this Council does not demand or direct that a parent must make themselves available to drive a Motability vehicle provided for the benefit of the adult applying for assistance. However, the Council does require sufficient information from the applicant to assess whether it is 'necessary' to make provision and it is confirmed by Counsel that it is entirely reasonable to ask questions relating to the availability of a Motability vehicle and appropriate

driver. This information is gathered through the application process.

Will the Cabinet Member now agree that parents of disabled children have been treated unfairly and will he now review his policy to make sure that young disabled adults between the ages 16 – 19 get the transport funding to which they should be entitled?”

Answer:

The Cabinet Member can find no relationship between the outcome of the LGO's investigation into the complaint against Lewisham Council and the unsubstantiated assertion that Coventry City Council's 16 to 18 travel assistance policy (which includes adults over the age of 18 on continuing courses) is unfair.

To be clear, the Council continues to provide travel assistance for anyone in this age range that meets the entitlement criteria. The only change in the post 16 to 18 policy, which was implemented in September 2017 was the introduction of a contributory charge of £600 per annum, reduced to £300 per annum for those service users, evidencing that they meet the low income criteria.

It is a fact that a financial contribution is common practice across all LAs and is entirely permissible in law. It should also be noted that Coventry's required contribution is significantly less than neighbouring LAs. For example, Warwickshire has raised its financial contribution to £780 pa and Solihull has raised its financial contribution to £645 pa for the 2018/19 academic year. Coventry has frozen the contribution at the 2017/18 rate.

In 2017/18 the Council provided SEN travel assistance to 865 children, young people and adults at an average cost per student of £3887 pa. resulting in a total net expenditure of £3,362,280.

This sum incorporated 84 post 16 students (circa 10%), accounting for £408,500 expenditure at an average cost per student of £4863 p.a.

The current position as at 31st August 2018, confirms that 783 applications have been approved so far for the 2018/19 academic year, of which 83 are post 16. However, it is expected that this number will increase as the Council continues to process late applications. The final cost of transport for the new academic year will be assessed when routes and commissioning processes are finalised.

In summary, the Cabinet Member confirms that students age 16 to 19 in Coventry continue to receive the travel assistance that they are entitled to and there is no evidence that the Council's policies are unfair. However, it is acknowledged that a minority of families do not accept that they should contribute to the cost of post 16 travel assistance and that they continue to persist in pursuing their disagreement, despite the indisputable fairness and equity of the policies in place.

3.

QUESTION SUBMITTED BY: Councillor Williams

TO BE ANSWERED BY: Councillor Ruane, Cabinet Member for Housing and Communities

TEXT OF QUESTION:

“Would the Cabinet Member tell us how many cases were brought to the planning enforcement team between January 1st 2017 to August 21st 2018? Could he also tell us how many of those cases resulted in a successful enforcement?”

Answer:

Between 1st January 2017 and 21st August 2018 a total of 2031 enquiries were received.

The outcomes of those enquiries are:

- 869 - no breach of planning control identified (works that do not constitute development, or development which is ‘permitted’ i.e. does not need planning permission etc.)
- 90 - retrospective application (unauthorised development regularised through submission of planning application)
- 118 - negotiated no breach (initial breach of planning control modified following negotiations to development which is ‘permitted’ i.e. does not need planning permission)
- 879 - pending (ongoing investigation or monitoring)
- 13 - breach no further action (technical or minor breach of planning control where further action is not justified)
- 62 - formal enforcement action taken

Of the 62 cases where formal enforcement action was taken:

- 23 Enforcement Notices (requiring an unauthorised structure to be removed or an unauthorised use to cease etc.)
- 15 Breach of Conditions Notices (requiring compliance with a planning condition such as hours of use, type of facing materials etc.)
- 19 Section 215 Notices (requiring improvements to untidy land or derelict buildings)
- 5 Temporary Stop Notices (requiring an unauthorised use or building operation to cease immediately)

4.

QUESTION SUBMITTED BY: Councillor Williams

TO BE ANSWERED BY: Councillor N Akhtar, Chair of Communities and Neighbourhoods Scrutiny Board (4)

TEXT OF QUESTION:

“Would the Chairman tell us when his committee, which also acts as the ‘Flood Risk Management Committee’, will be considering the ongoing flooding problems of the River Sherbourne in Allesley?”

Answer:

The Communities and Neighbourhoods Scrutiny Board considers regular reports on the Council’s approach to Flood Risk Management and Drainage. This includes information on flooding events, planned schemes and work with partners.

The next update will be considered at the Board’s meeting on 31 October 2018.