



Coventry City Council

Council Meeting

22nd February, 2005

Booklet 2

Other Meetings

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APPOINTMENTS PANEL

20th December, 2004

Members Present:- Councillor Charley (Nominee of Deputy Leader)
Councillor Clifford (Member of Opposition Group on Scrutiny)
Councillor Mutton (Member of Opposition Group on Scrutiny)
Councillor O'Neill (Cabinet Member (Finance and Equalities))
Councillor Sawdon (Chair of the Scrutiny Co-ordination Committee)

Employees Present:- B. Messinger (Head of Human Resources)
A. Ridgwell (Director of Finance and ICT)
*A. Townsend (Legal and Democratic Services Directorate)
(* for part of the meeting)

1. **Election of Member to Chair the Meeting**

RESOLVED that Councillor O'Neill be elected to Chair this meeting.

2. **Exclusion of Press and Public**

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the item of business contained in Minute 3/04 below relating to "Appointment of Head of Revenues and Benefits" on the grounds that that item involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 12A of that Act.

3. **Appointment of Head of Revenues and Benefits**

The Panel interviewed applicants pursuant to paragraph 4.8.5 of the City Council's Constitution.

RESOLVED that, subject to no well founded objection being received from any Member of the Cabinet, in accordance with paragraph 4.8.6 of the City Council's constitution, Cathy Hipkin currently Head of Income and Debt Management at Kettering Borough Council, be appointed to the post of Head of Revenues and Benefits from a date to be agreed.

(NOTE: No objections from any Member of the Cabinet were subsequently received to this appointment).

STANDARDS COMMITTEE

9th December, 2004

Members Present:- City Council Members

Councillor Kelsey
Councillor Mulhall

Independent Members

His Honour Judge Brian Farrer (Chair)
Professor Brian Ray
Jayne Willetts

Parish Councillor

Bill Shakespeare

Employees Present:- S. Bennett (Legal and Democratic Services Directorate)
C. Hinde (Director of Legal and Democratic Services)

Apologies

An apology for absence was received from Alice Casey.

The Committee noted the difficulties experienced by Alice in attending meetings on Thursday afternoons and that consideration would be given to this issue for the Municipal Calendar for 2005/2006.

Minutes

The minutes of the meeting held on 28th October, 2004, were signed as a true record.

Further to Minute 8, the Committee noted that the Council had approved the proposed responses to the consultation papers relating to the draft Code of Conduct for Employees and the review on restrictions on political activities of local authority employees.

Further to Minute 16, the Committee noted that the Chief Executive had written to the complainant indicated.

17. Local Investigation of Complaints

Further to Minute 12/04, the Committee considered a report of the Director of Legal and Democratic Services which outlined the provisions of the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and the Standards Board for England (Functions) Order 2004 which came into force on

4th November, 2004. Under these Regulations, complaints of Member misconduct can be referred to the Monitoring Officer of a Local Authority for local investigation, instead of investigation by the Standards Board's Ethical Standards Officer. The complaint could then be determined by the Local Authority's Standing Committee or Sub-committee. The report set out the implications of the Regulations and proposed that the Committee adopt the "Model" procedure set out in the report.

Complaints will still need to be made to the Standards Board who would decide whether or not a complaint needed to be investigated. If an investigation is necessary, the Board would refer the complaint to one of the Ethical Standards Officers who in turn would decide whether to allocate the complaint to one of the Standards Board's own investigators or refer it to the Monitoring Officer of the relevant authority. Guidance issued by the Standards Board (which was appended to the report) indicated that it is the less serious cases which would be likely to be referred for local investigation.

When making a referral, the Ethical Standards Officer will send a copy to the Monitoring Officer of the original complaint letter and any other relevant information which he or she possesses. When the Monitoring Officer receives a referred complaint he or she must notify the Councillor who is the subject of the complaint, the complainant and any relevant parish clerk and then arrange for the investigation. The Standards Board recommends that at this point, the Monitoring Officer notifies members of the Standards Committee confidentially that a complaint has been received but does not inform them of the identity of the complainant or member against who the complaint is made, or give any details of the basic facts of the complaint. The Standards Committee gave consideration to this issue and decided that a policy be adopted whereby the members of the Standards Committee are given a brief description of the conduct which is the subject of the complaint at this stage, but that they should not be informed of the identities of either the member (or members) involved or the complainant.

The report indicated that as the Monitoring Officer is the Chief Advisor to the Standards Committee and the primary contact for Councillors in relation to standards issues, this role is incompatible with personally undertaking that of an Investigating Officer, part of whose function would be to present the investigation report at any local Standards hearing. As a result, the Monitoring Officer would need to appoint another person to undertake the investigation. In most cases it is likely that the Monitoring Officer would be able to appoint another officer of the Authority, but in sensitive cases, it may be appropriate to appoint an external investigator either from another Authority or from another source. It may also be necessary to make financial provision for the cost of such investigations in future years, together with those cases where the Monitoring Officer is unable to act as a legal advisor to the Standards Committee where there are conflicts of interest.

It would be the function of the Investigating Officer to produce a full report setting out his or her conclusions as to the facts of the case and in particular whether the Councillor concerned has or has not failed to comply with the Code of Conduct. One area of particular concern to any Investigating Officer would be the risk of possible defamation claims from the Councillor or any other person mentioned in the report. Whilst the likelihood of such a claim is very low, it would be prudent for the Council to

grant an indemnity to an Investigating Officer against the legal costs of defending any such claim and any damages that might be awarded.

A proposed procedure for dealing with local investigations was appended to the report, which complies with the new Regulations and the guidance from the Standards Board. The report details the procedure under which the investigation would run.

The Committee gave consideration to how the hearings should be established and decided that, following receipt of a complaint, this should be reported to the next meeting of the Standards Committee, who would then decide which Members would sit on the Committee to hear the investigation. The Committee hearing the investigation would have a quorum of three, with the majority being independent members, one of whom would be appointed as the Chair. Once the Investigating Officer has concluded his report, this should be submitted to the next Standards Committee for them to decide whether to proceed or not.

Under the Regulations, there is an obligation upon Authorities, but not individuals, to provide the Monitoring Officer with such advice and assistance that may be reasonably required to undertake the investigation. This has to be contrasted with the requirement on Authorities and individuals to co-operate with an investigation being carried out by an Ethical Standards Officer. In its response to the consultation paper on local investigation, the Standards Committee had suggested that the powers of the Monitoring Officer and Ethical Standards Officer should be the same. However, the Government have rejected that suggestion on the basis that it does not believe that it would be proportionate for the Monitoring Officers to be given precisely the same investigatory powers as those available to an Ethical Standards Officer. This is on the basis that Monitoring Officers should only be dealing with the most minor cases and that if difficulties are encountered in an investigation then, the matter should be referred back to the Ethical Standards Officer.

Where an Ethical Standards Officer is conducting an investigation and identifies evidence of additional failures to comply with the Code of Conduct, either by the original Councillor or by other Councillors, he or she can add those matters into his or her investigation and report. However, this is not an option for the Investigating Officer in dealing with a local investigation and his or her remit is limited to the conduct which comprises the subject matter of the original complaint. If other matters come to light during the course of the investigation, then the only option is for the Investigating Officer to refer the matter back to the Standards Officer for further consideration. This is contrary to the views expressed by the Standards Committee in its submission to the Government that Investigating Officers should be able to deal with the other allegations, provided that they are of a similar nature or relevant to the original complaint and this matter does not need the heavier penalties available to the Adjudication Panel.

The Regulations also make certain changes in respect of the conduct of local hearings. The procedure previously agreed by the Committee for local hearings (Minute 7/03 refers) had therefore been amended to take account of these changes. The new procedures were appended to the report, and detailed the key changes. The Standards Committee could, in an appropriate case, determine that the Member would be the subject to a three month suspension but that if he or she were to provide a written

apology and or undergo training, the suspension could be reduced to a lesser period or only apply to certain activities. The Regulations also allow the Standards Committee to ask the Standards Board to resume responsibility for a matter at any stage. This would normally be where the Investigating Officer's report identifies conduct of such seriousness that the Committee believes that its maximum sanction would be inadequate but it could also be relevant if the members of the Standards Committee were the subject of a conflict of interest which would rule so many of them out of the hearing on a matter that it would not be possible to hold in an impartial hearing.

The City Council remains responsible for Standards matters in respect of the Parish Councils and would have to bear the direct cost of the investigation, of any subsequent hearing and the cost of the Parish Council providing information for the hearing.

The Committee gave consideration in detail to the appendices to the report, making minor typographical changes where necessary and also included an additional procedure whereby the Councillor under investigation would be advised that if he or she is unable to attend a hearing, the matter may be considered in his or her absence.

The Committee noted that the procedures would need to be reviewed and revised in light of the experience of dealing with any complaints of misconduct at a local level.

RESOLVED:-

- (1) That the procedures which would apply to any local investigation and subsequent hearing which may need to be undertaken in the future, as attached to this minute, be approved.
- (2) That the Director of Legal and Democratic Services be requested to write to the Standards Board seeking their advice on the two following issues:-
 - (i) Whether evidence should be given formally at any hearing either on oath or by affirmation.
 - (ii) Where a Councillor appeals against a decision of a Standards Committee, should any penalty imposed by that Committee be suspended pending the appeal.

18. Standards Board Guidance – Lobby Groups "Duel Hatted" Members and the Code of Conduct

The Committee considered a report of the Director of Legal and Democratic Services, which detailed guidance recently issued by the Standards Board for England in relation to Members who undertake a lobbying role. A copy of the guidance was appended to the report.

The intention of the guidance is to offer practical advice and examples to help understand what circumstances may give rise to a Member having to declare a personal or prejudicial interest. The Guidance also reminds Members to be aware of the fact that an interest can arise from service on other Authorities and public bodies and gives advice to Elected Members on what they should do if they have a prejudicial interest.

The Committee noted that all new Members receive advice on declarations of interest during their induction process.

RESOLVED that a copy of the guidance be sent to all Members of the City Council.

19. **Outstanding Issues**

The Committee considered a report of the Director of Legal and Democratic Services which detailed outstanding issues for the Committee.

RESOLVED that consideration of Directorates' Registers detailing gifts and hospitality received be considered at the meeting of the Standards Committee in February 2005.

20. **Date of Next Meeting**

RESOLVED that the meeting of the Standards Committee scheduled for 13th January, 2005, be cancelled and that the February meeting of the Standards Committee scheduled for 17th February be re-arranged for either 7th or 8th February.

21. **Succession of Independent Members to the Standards Committee**

The Committee gave consideration to the succession of Independent Members to the Standards Committee, noting that the issue of remuneration is currently tied up with Single Status.

RESOLVED that further consideration be given to this issue at a future meeting.

(NOTE: This item of business was considered as urgent public business (the reason for urgency was the need to consider this issue at the earliest opportunity).)

PLANNING COMMITTEE

17th December 2004

Members Present:-
Councillor Asif
Councillor Benefield
Councillor Bhyat
Councillor Bigham
Councillor Charley
Councillor Cliffe (Chair)
Councillor Johnson
Councillor Mrs Lacy
Councillor Lakha
Councillor McNicholas
Councillor Mulhall
Councillor M. Noonan
Councillor Ridge (Deputy Chair)
Councillor Mrs Stone

Employees Present:-
S. Payne (Legal and Democratic Services Directorate)
C. Sinclair (Legal and Democratic Services Directorate)
L. Wroe (City Development Directorate)

In Attendance: B. Smith (Senior Highways Advisor)

Apologies

An apology for absence was received from Councillor Miss Reece.

169. Members' Declarations of Contacts on Planning Applications

The Members named declared contacts on the following applications as indicated:-

Application No.	Councillor	From
51684 – Land at Bond Street, Hill Street, Ringway Hill Cross and Upper Well Street	All Members of the Committee	➤ Applicant ➤ Coventry Society

170. Application 51684 – Land at Bond Street, Ringway Hill Cross and Upper Well Street

The Committee considered a report of the Head of Development Regulations detailing the above application for the demolition of existing industrial and warehouse buildings and mixed residential and commercial building, closure of highways and construction of two multi-storey buildings to provide two hotels, casino, retail and catering units and residential apartments. Extension to multi-storey car park and formation of new public squares, mall and service areas and refurbishment of existing public square. Alterations to existing vehicular access ways and formation of new

vehicular access. The report highlighted changes to the design and drop-off facilities now proposed and detailed the servicing arrangements. The application had been deferred at the meeting on 2nd December, 2004 (Minute 144/04 refers) for further information in respect of the highway implications of the proposal in the context of the servicing arrangements and the facilities for dropping off people at the Belgrade, and the Committee also considered a report which dealt specifically with those aspects of the scheme.

The Head of Development Regulations read out a letter from Coventry Society objecting to the proposal and a letter from the applicant in support of the proposal. In addition a further representation from a Mrs Edwards of The Park Paling was read out.

The Head of Development Regulations further reported that conditions still needed to be redrafted and in particular highlighted that it was the intention that there be flexibility as to the uses of the commercial units so that they could be used for purposes falling within Class A1 (excluding convenience goods) Class A3 (excluding sales for consumption off the premises) and that not more than one unit could be a casino or a health and fitness use at any one time. The Committee reiterated that the wind study was a pre-requisite of the grant of permission and agreed that conditions should also be added to require further details of facilities of bin storage, retention of the emergency access to the car parking area, and to ensure that, within each phase, adequate drop off facilities including taxi drop off and pick up areas were provided.

RESOLVED that the Head of Development Regulations be authorised to grant planning permission in respect of application 51684, providing that the GOWM does not decide to intervene and subject to the conditions now mentioned for the reasons now stated.

(NOTE: The conditions imposed on permissions, consents and other approvals may vary from those proposed in the written reports because of changes made by the Committee at the meeting or because of minor improvements, corrections or clarifications made by the Head of Development Regulations when finalising the drafting.)

LICENSING AND REGULATORY COMMITTEE

11th January, 2005

Members Present:-
Councillor Benefield
Councillor Mrs. Bigham
Councillor Mrs. Dixon
Councillor Mrs. Griffin
Councillor Harrison (Deputy Chair)
Councillor Mrs. Johnson
Councillor Kelsey (Chair)
Councillor Lee
Councillor Ms. McKay
Councillor Mulhall
Councillor M. Noonan
Councillor Ruddy
Councillor Mrs. Stone

Employees Present:-
F. Barlow (City Development Directorate)
A. Bennett (City Services Directorate)
N. Eaton (Social Services and Housing Directorate)
J. Fletcher (City Development Directorate)
U. Patel (Legal and Democratic Services Directorate)
M. Smith (Legal and Democratic Services Directorate)

Apologies

Apologies for absence were received from Councillors Charley and Kelly.

Minutes

The minutes of the meetings held on 16th November and 7th December, 2004, were signed as true records.

64. Local Government Act 1972 – Resolution to Exclude Public

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below on the grounds that these items involve the likely disclosure of exempt information as defined in Schedule 12A of that Act, in particular those paragraphs of Part I of that Schedule as indicated:-

Minute No.	Subject	Relevant Paragraphs of Part I of Schedule 12A
66	Failure of owner of tenanted property to comply with Housing Act 1985 Repair Notice	7 and 14

67	Failure of Owner of Empty Property to comply with a Prevention of Damage by Pests Act 1949 Notice	7 and 14
68	Counterfeit DVDs	4 and 7
69	Counterfeit and Unclassified DVDs and Videos	4 and 7
70	Fly-tipping of Refuse	4 and 7
71	Unsafe electrically illuminated pictures	4 and 7
72	Unsafe electrically illuminated pictures – Report 2	4 and 7
73	Unreported accidents at a residential home	4 and 7
74	Unsatisfactory Conditions at a Public House	4 and 7
75	Unsatisfactory Conditions at a Fish and Chip Shop	4 and 7
76	Food beyond "Use-by" Date	4 and 7
77	Applications for the Grant/Suitability to hold Hackney Carriage and Private Hire Drivers Licences	4 and 7

65. **Outstanding Issues**

The Committee noted that there were no outstanding issues for consideration.

66. **Failure of Owner of Tenanted Property to Comply with Housing Act 1985 Repair Notice**

RESOLVED that, having considered a report of the Head of Housing Policy and Services, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Housing Act 1985 in respect of the alleged failure of the owner of 51 Glaisdale Avenue, Coventry, to comply with a repair notice served under the Housing Act 1985.

67. Failure of Owner of Empty Property to Comply with a Prevention of Damage by Pests Act 1949 Notice

The Committee considered a report of the Head of Housing Policy and Services, which provided an update on the progress made towards compliance with a refuse notice served on the owner of 303 Foleshill Road, Coventry.

RESOLVED:-

- (1) That in view of the progress made towards full compliance with the refuse notice, no enforcement action be taken at this stage.
- (2) That the Head of Housing Policy and Services be requested to submit a progress report to the Committee in two months' time.

68. Counterfeit DVDs

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Video Recordings (Labelling) Regulations 1985 and the Trade Marks Act 1994 against appropriate persons in respect of the alleged sale of counterfeit and/or, misdescribed and/or unclassified and/or unlabelled DVDs at Room 133, Caradoc House, Caradoc Close, Coventry.

69. Counterfeit and Unclassified DVDs and Videos

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Trade Marks Act 1994 and the Video Recordings Act 1984, against appropriate persons in respect of the alleged sale of counterfeit and/or, misdescribed and/or unclassified and/or unlabelled DVDs and videos at Akhtar Videos, 91 Harnall Lane East, Coventry.

70. Fly-tipping of Refuse

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Refuse Disposal (Amenity) Act 1978 or the Environmental Protection Act 1990 against appropriate persons in respect of alleged fly-tipping of refuse on Northbrook Road, Coventry.

71. Unsafe electrically illuminated pictures

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Consumer Protection Act 1987 and the Electrical Equipment (Safety) Regulations 1994 against appropriate persons in respect of the alleged supply of unsafe electrically illuminated religious pictures by Awan Marketing International Plc, Heaton Street, Birmingham.

72. Unsafe electrically illuminated pictures – Report 2

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Consumer Protection Act 1987 and the Electrical Equipment (Safety) Regulations 1994 against appropriate persons in respect of the alleged supply of unsafe electrically illuminated religious pictures by:-

- (i) Foleshill Warehouse Limited, 346 Foleshill Road, Coventry
- (ii) Mohammed Habib, 79 Leominster Road, Birmingham and
- (iii) Usha Rana, 159 Colby Drive, Leicester.

73. Unreported accidents at a residential home

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 against appropriate persons in respect of the alleged unreported accidents at Aarancrest Residential Home, 5 Dalton Road, Coventry.

74. Unsatisfactory Conditions at a Public House

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Food Safety Act 1990 against appropriate persons in respect of the alleged unsatisfactory conditions at Newtz, Bayley Lane, Coventry.

75. Unsatisfactory Conditions at a Fish and Chip Shop

RESOLVED that, having considered a report of the Head of Public Protection, the Director of Legal and Democratic Services be authorised to institute legal proceedings under the Food Safety Act 1990 against appropriate persons in respect of the alleged unsatisfactory conditions at New Sky Blue Fish Bar, 1 King William Street, Coventry.

76. Food Beyond "Use-by" Date

RESOLVED that, having considered a report of the Head of Public Protection, he be authorised to issue a warning letter to appropriate persons in respect of the alleged sale of food beyond its use-by date at SS Superstore, 667-669 Stoney Stanton Road, Coventry.

77. Applications for Grant/Suitability to Hold Hackney Carriage and Private Hire Drivers Licences

RESOLVED that, having considered the circumstances set out in the reports of the Director of City Development now submitted:-

- (a) The application for the renewal of a Private Hire Driver's Licence by Mr Arshad Ahmed be approved, subject to an immediate suspension for a period of six weeks, for the reasons now stated.

(NOTE: Mr A Ahmed and his solicitor attended the meeting in support of his application.)

- (b) The application for the grant of a Hackney Carriage Driver's Licence by Mr Sukhbir Singh Athwal be approved.

(NOTE: Mr S. S. Athwal attended the meeting in support of his application.)

- (c) The application for the grant of a Hackney Carriage Driver's Licence by Mr. Mackan Singh Hayre be refused for the reasons now stated.

(NOTE: Mr. M. S. Hayre and his solicitor attended the meeting in support of his application.)

- (d) The application for the renewal of a Hackney Carriage Driver's Licence by Mr. Mohammed Qumraiz Khan be deferred to a future meeting of the Licensing and Regulatory Committee to afford Mr. Khan a further opportunity to attend.

- (e) The application for the renewal of a Private Hire Driver's Licence by Mr. Pavan Nakra be approved.

(NOTE: Mr. P. Nakra attended the meeting in support of his application.)

- (f) Further to Minute 63(d)/04, the Hackney Carriage Driver's Licence held by Mr. Mohammed Shabir be confirmed.

(NOTE: Mr. M. Shabir attended the meeting in support of his case.)



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