



Coventry City Council

Council Meeting

1st November, 2005

Booklet 2

Recommendations

INDEX TO MINUTES

Page Nos.

Scrutiny Board 4
26th August 2005 1

Cabinet
20th September 2005.....33
18th October 2005.....79

SCRUTINY BOARD (4) (HEALTH)

26th August 2005

Scrutiny Board (4)

Members Present:-

Councillor Clifford (Chair)
Councillor Crookes
Councillor Mrs Dixon
Councillor Mrs Griffin (Substitute for Councillor Gazey)
Councillor Ms Hunter (Substitute for Councillor Mrs Stone)
Councillor Ruddy

Co-opted Members

Present:

Mr T Doyle
Miss D Hackford
Ms S Khan
Mr D Spurgeon

Other Members

Present:

Councillor Chater
Councillor H Noonan

Employees

Present:-

J. Bolton (Director of Social Services and Housing)
S. Burton (Social Services and Housing Directorate)
J. Jardine (Legal and Democratic Services Directorate)
J. Norton (City Development Directorate)
C. Sinclair (Legal and Democratic Services Directorate)

In Attendance:

K. Williams (Director of Public Health, Coventry Teaching PCT)
S. Jones (Joint Chief Executive, Coventry Teaching PCT)

Apologies:

Councillor Ahmed
Councillor Bhyat
Councillor Gazey
Councillor Mrs Stone

16. Scrutiny Board 4 (Health) Response to Department of Health Consultation on the Smokefree Elements of the Health Improvement and Protection Bill

The Board considered a report of the Director of Legal and Democratic Services seeking agreement for the Health Scrutiny response to the consultation on the smokefree elements of the Health Improvement and Protection Bill.

At its meeting on 27th July 2005 (Minute 13/05 refers), the Board agreed a process for preparing a response to the Government's consultation on the proposals to restrict smoking in enclosed public spaces. The draft response, which was appended to the report, included data from research by the Scrutiny Co-ordination Group and the Research and Strategy Team in the City Development Directorate. The Board also received a presentation on smoking in licensed premises. The full Research Paper was tabled at the meeting.

The aim of the research undertaken by City Development was to investigate the effects and extents of the proposals to 'create smoke free workplaces' upon licensed premises and their patrons in Coventry. The methodology included establishing the situation in Coventry, mapping licensed premises – looking at deprivation, surveying catering pubs and applying the findings to estimate the situation at the end of 2008.

The Board discussed aspects of the report and agreed that the response should stress the Board's views that that there should not be exemptions for licensed premises that do not prepare and serve food and membership clubs for the following reasons:

- The exemptions would damage the health of bar staff
- The potential smoking pubs and membership clubs were concentrated in deprived areas, exacerbating health inequalities
- The exemptions create perverse incentives for licensed premises to either stop serving food or seek to become membership clubs.

The outcome of the consultation would be reported to the Board at a future meeting.

RESOLVED:

- (a) That the Board approve the response to the consultation as attached as Appendix 1 to the report, authorising the Chair to act with officers to make the minor changes agreed by the Board.**
- (b) That the consultation response be presented to full Council for information.**



Coventry City Council

Scrutiny Board 4 (Health) response to the consultation on the smokefree elements of the Health Improvement and Protection Bill

1st Report, 2005-06 of Scrutiny Board 4 (Health)

August 2005

Scrutiny Co-ordination Group
Coventry City Council
Council House
Coventry
CV1 5RR

Tel: 024 7683 1179

Fax: 024 7683 1017

Email: Michelle.Hayes@coventry.gov.uk

Web: www.coventry.gov.uk/scrutiny

Other publications from the Health Scrutiny Board:

2004 – 2005

1st Report of Scrutiny Board 4 (Health), *Statutory Consultation on the Development of Dental Training and Specialist Dentistry for the West Midlands*, January 2005

2nd Report of Scrutiny Board 4 (Health), *Review of Health and Social Care Services, City Centre – Update*, March 2005

Health Scrutiny: Annual Report 2004/05

2003 – 2004

1st Report of Scrutiny Board 5 (Health), *Review of Community Pharmacy in Coventry*, September 2003

2nd Report of Scrutiny Board 5 (Health), *Review of NHS Dentistry in Coventry*, November 2003

3rd Report of Scrutiny Board 5 (Health), *University Hospitals Coventry and Warwickshire NHS Trust Emergency Services Consultation*, May 2004

Health Scrutiny: Annual Report 2003/04

2002 – 2003

1st Report of Scrutiny Board 2 (Health), *Review of Health and Social Care Services, City Centre*, February 2003

Reviews currently underway:

1. *Review of the Distribution of GP Services in Coventry (completion summer 2005)*
2. *Review of Increasing the Initiation and Duration of Breastfeeding in Coventry and Warwickshire (completion late 2005)*

Please contact Jonathan Jardine at the address above for copies of the completed reviews and for further information about the work of the Health Scrutiny Board.

Copies of completed reviews are also available at:

<http://www.coventry.gov.uk/scrutiny>

Contents

Foreword – Cllr Joe Clifford	4
Background information	5
Summary	6
Consultation Response	7
Appendix 1 – Smoking in licensed premises; An analysis of Pubs and Clubs in Coventry	13

Foreword

Councillor Joe Clifford

Smoking is one of the most important public health issues facing Coventry and our country.

Nineteen Coventry residents die each week from smoking related causes. One of these deaths will be due to passive smoking.

Smoking is not illegal, and neither does Health Scrutiny Board, think it should be. The Government's objective therefore should be two-fold:-

- a) Government should seek to work with Local Government and its partners to protect non-smokers from the effects of passive smoking. Bar staff are important in this regard, as are children
- b) Government should help create an environment in which it is easier for people to stop smoking if they want to.

We know that smoking rates are highest in our most deprived communities. The consequences of smoking are hidden – long-term, debilitating diseases that precede what can be a painful death. There is little publicity for these deaths. If the nineteen people in Coventry who will be killed this week by diseases related to smoking were to die in an accident or other incident, there would be a national outcry. Instead their deaths will be behind closed doors and largely unreported. Legislation should therefore seek to ensure that our deprived communities are not left behind as places where smoking, and the illnesses it causes, remain commonplace and accepted. This new legislation offers the opportunity to protect all our residents, not just those who live in better off areas.

Now is the time to seize this issue and take the right action. Public opinion is in favour of more comprehensive restrictions, and the responses from publicans in Coventry show that regulations that create a two-tier market will be bad for business and might induce some pubs to seek to evade the restriction. Clarity and simplicity will make for better regulation, and have a greater health impact. We should offer bar staff and children the best protection for their health. I and the Coventry City Council Health Scrutiny Board urge government to ban smoking in all public enclosed public spaces and workplaces.

*Cllr Joe Clifford
Chair, Scrutiny Board 4 (Health)
August 2005*

Scrutiny Board 4 (Health) – Background Information

The Health and Social Care Act 2001 and associated regulations, which came into force in January 2003, give Coventry City Council the power, through its health overview and scrutiny committee (Scrutiny Board 4 (Health) – the "Health Scrutiny Board"), to review and make recommendations on matters relating to local health services. The Health Scrutiny Board is made up of Councillors from across political parties and co-opted members of the public. It is not an executive body; it cannot make decisions and then require others to implement them. It can however make recommendations that certain other organisations must consider as part of their decision-making processes. Similarly, when local NHS organisations propose "substantial" changes to their services, they must first consult the Board to obtain its views. The Board's purpose is threefold. First, to open up health related decision-making to public oversight. Second, to make recommendations that will lead to improvements in the health of Coventry residents and health services they receive. Third, to work with others to help reduce Coventry's health inequalities.

Background to this consultation response

The Department of Health consultation on the smokefree elements of the Health Improvement and Protection Bill was published on 20 June 2005. The consultation closes on 5 September 2005. The consultation paper is available at the Department of Health website: <http://www.dh.gov.uk>. This response is from Coventry's health overview and scrutiny committee, and does not represent the views of Coventry City Council as a whole.

Members of Scrutiny Board 4 (Health)

Cllr Shabbir Ahmed	(Conservative, Foleshill)
Cllr Solly Bhyat	(Labour, St Michaels)
Cllr Joe Clifford	(Labour, Holbrooks – Chair)
Cllr Gary Crookes	(Conservative, Wainbody)
Cllr Susanna Dixon	(Conservative, Wyken)
Cllr John Gazey	(Conservative, Bablake)
Cllr Tom Ruddy	(Labour, Henley)
Cllr Val Stone	(Independent, Longford – Vice Chair)
Mr Terry Doyle	(Co-opted member)
Miss Diane Hackford	(Co-opted member)
Ms Shagufta Khan	(Co-opted member – UHCW PPIF)
Mr David Spurgeon	(Co-opted member – CTPCT PPIF)

Officer Support

Sally Burton	Social Services
Michelle Hayes	Legal and Democratic Services
Jonathan Jardine	Legal and Democratic Services
Stella Manzie	Chief Executive
Carolyn Sinclair	Legal and Democratic Services

In attendance at the invitation of the Board

Cllr Andy Matchet	Cabinet Member (Health and Housing)
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Summary

- The Health Scrutiny Board is strongly opposed to the proposed exemptions for licensed premises that do not prepare and serve food, and membership clubs, for the following reasons:
 - o They would reduce the health benefits of controlling smoking in enclosed public spaces
 - o They would damage the health of staff in the "smoking" pubs and clubs
 - o They would damage the health of non-smoking patrons – particularly children, who regularly attend membership clubs
 - o They would reduce the incentives for smokers to quit
 - o They would impose a significant regulatory burden on businesses
 - o They could be difficult to enforce
 - o They would distort the trading environment and create perverse incentives for businesses
 - o They could potentially create more "drink only" pubs in Coventry, with potential anti-social behaviour implications
 - o The "smoking" pubs and clubs in Coventry would be predominantly located in deprived areas, potentially exacerbating the city's already wide health inequalities
- The Health Scrutiny Board has commissioned research in order to prepare this response. The findings from this research provide the basis for the Health Scrutiny Board's conclusions.
- The Health Scrutiny Board believes that legislation should be introduced to make all enclosed public spaces and workplaces smokefree, with exceptions only for residential premises

Consultation response

Question 1: *Does this definition [of smoking] raise any concerns, in particular that non-tobacco cigarettes are not covered?*

The Health Scrutiny Board has no concerns about the proposed definition.

Question 2: *Views are invited on this approach to defining “enclosed”. Does it give the owners of likely premises and enforcement authorities a sufficiently clear definition? If not, how might it be improved? Are there concerns that loopholes are being created?*

The Health Scrutiny Board has no concerns about the proposed definition.

Question 3: *Views are invited on this proposal [to allow regulation of smoking in non-enclosed spaces].*

The Health Scrutiny Board is convinced of the merits of further regulation of places that would not meet the definition of enclosed, but where there are dangers of passive smoking.

Health Scrutiny has heard evidence from asthmatics about having to pass through smoky entrances to hospitals and health centres. Entrances to public buildings should therefore be smokefree. Similarly, there seems little point making the bars and enclosed areas in a sports stadium smokefree, only for patrons to light up when in equally close proximity to others in the terraces. The same is true of buses and bus shelters. The Health Scrutiny Board therefore supports the proposal.

Question 4: *Views are invited on this proposal [to give licensed premises more time to adapt to the regulations]. Are there any potential difficulties with using the Licensing Act 2003 that consultees would want to raise? Comments on the principle of a longer lead-in time for all licensed premises are also welcome.*

The Health Scrutiny Board has no concerns with allowing licensed premises more time but, as set out below, the Health Scrutiny Board is opposed to exceptions for licensed premises that do not “prepare and serve food”.

Question 5 [re. Exception for licensed premises]: *Views are invited on the merits and practicability of this proposal. If a specific list is preferred, are there any things you would and would not want on such a list, recognising the current wish to, in essence, allow smoking only to continue in “drinking pubs”? Are there any major concerns about the impact on licensed businesses that will have to choose between food and smoking? Is the Choosing Health estimate of 10–30 percent of pubs choosing smoking likely to be borne out?*

The Health Scrutiny Board is strongly opposed to an exception for licensed premises that do not “prepare and serve food”.

It is the view of the Health Scrutiny Board that exempting pubs that do not “prepare and serve food” would have the following consequences:

- It would reduce the health benefits of controlling smoking in enclosed public places

- It would damage the health of staff in the “smoking” pubs, and subject non-smoking patrons, including children, to passive smoke
- It would impose a significant regulatory burden on businesses
- It would undermine the enforceability of the regulations by creating disputes over whether particular foods were, or were not, sufficient to require a pub to be smokefree.
- It would distort the trading environment for licensed premises in unpredictable ways, potentially creating an uneven playing field

It is the view of the Health Scrutiny Board that there is significant public support for a ban on smoking in all workplaces. A popular survey carried out in 2004 found that 82% of over 4000 respondents supported a complete ban on smoking in workplaces. A controlled sample consulted via Coventry’s Citizens Panel produced a similar response.

In Coventry, 21% of public houses would have the option to allow smoking. This percentage ignores the significant number of membership clubs in the city.

In preparation for this consultation response, views were sought from all catering public houses in Coventry. 64 responses were received, 44.1% of the total number of catering licensed premises. The catering publicans fear a loss of business if the new law is introduced; 73% of respondents fear a loss of business, many commenting that patrons may seek out venues where smoking is allowed. Unsurprisingly therefore, 1 in 5 catering public houses in Coventry said that they would stop serving food in order to allow smoking to continue. Another 1 in 4 are waiting to see how business is affected. Potentially up to just under half of pubs will or may stop serving food to allow smoking to continue. The conclusion from this is that catering pubs are fearful that they will lose custom to smoking venues. The proposed legislation, regulation and exemptions distort the market potentially to the detriment of the venues that protect employees and non-smokers. The Health Scrutiny Board opposes the creation of these disincentives.

The regulations as proposed discriminate against employees in what will be the “smoking pubs”. The purpose of this law is to protect non-smokers. To allow smoking in certain pubs is to accept damage to the health of bar staff. This is unfair. Either the law protects the health and safety of bar staff, or it does not. A halfway house is not acceptable. It also creates an environment where passive smoking is accepted in public, thereby damaging the health of non-smoking patrons (possibly including children), and undermining the wider objective of facilitating individuals’ efforts to give up smoking altogether.

The *Choosing Health* white paper argued that public opinion was against a total ban. It is the Health Scrutiny Board’s view that public opinion is looking to be led on this issue. The public understand the health consequences of passive smoking, and can easily appreciate the regulatory and practical problems that will follow from trying to define which licensed premises should be smokefree, and which should allow smoking. Businesses will not want this additional burden either; they want clear rules that apply to everyone. Respondents to the research commissioned for this response have already indicated their confusion about whether the restrictions would apply to pubs that only served food for part of the day, for example, or where a pub only laid on food occasionally for a special event. What the public will not understand is how a law that is supposed to enhance the health of bar staff can casually remove protection from a significant proportion of employees.

Question 6 [re. Exceptions for residential premises]: Views are invited on the above list of exceptions, especially in respect of human rights aspects

The Health Scrutiny Board has concerns about the implementation of an exemption for long-stay adult residential care homes. The other exceptions generally allow smoking in private rooms. In a long-stay adult residential care homes, allowing smoking in a private room may pose a significant fire risk, or require a member of staff to supervise – thereby exposing them to second-hand smoke. However, allowing smoking in communal areas may affect the health of other residents. Possible remedies may include separate smoking and non-smoking communal areas. The Health Scrutiny Board has no further views on the exceptions

Question 7 [re. Exemption for membership clubs]: Views are invited on the proposal

The Health Scrutiny Board is opposed to an exemption for membership clubs. The purpose of the law is to protect the health of people who would otherwise be passive smokers. Bar staff are particularly vulnerable and therefore they should be able to work in a smokefree environment. The proposal has the potential to create a two-tier system that protects some workers and exposes others to second-hand smoke. Similarly, private clubs are often frequented by the families of members, and thus there is a real danger of children being subjected to second-hand smoke. The significant number of membership clubs in cities like Coventry makes this a real issue that the law must address.

Two other issues lead the Health Scrutiny Board to oppose this proposal.

First, there are large numbers of licensed membership clubs in Coventry, as there are in many urban areas. If all Coventry's membership clubs voted to allow smoking – not an unreasonable assumption given the perceived concerns about the economic impact of a smoking ban – then approximately 51.3% of Coventry's licensed premises would be able to allow smoking. In more deprived areas this would rise to between 55% and 60%. The concentration of smoking membership clubs in deprived areas goes against the stated objective of reducing health inequalities.

Second, creating a loophole for licensed membership clubs seems to offer a perverse incentive. There is already evidence that some venues are applying for both premises licenses and private membership licenses. This would enable them to have smoking areas in their establishments where smoking would be permitted along with serving of food, albeit only to members. This creates potential enforcement issues as it will be difficult to monitor the "separateness" of the two classifications of licences. While it is admittedly unlikely that public houses will convert to private membership clubs, the proposed exemption creates a loophole that businesses will seek to exploit where possible. This increases the regulatory impact and creates incentives for business practice that undermines the intention of the proposed legislation. It is the Health Scrutiny Board's view that simpler, clearer regulation will be more effective and easier to enforce.

Question 8: Will the introduction of this legislation present any practical difficulties in your workplace?

The proposal to introduce regulations by which smoking could be controlled at access points to public buildings would impact on Council health and safety practice. Though the proposal would be enforceable, there would be a requirement to consult with Trade Unions and staff to ensure a smooth and successful introduction of the policy.

The Health Scrutiny Board is not aware of any practical difficulties facing Coventry City Council with regards to this proposed legislation.

Question 9 *[re. Signage]: Views are invited on the proposal*

The Health Scrutiny Board has no comments on this proposal.

Question 10: *Views are invited on the level of penalties and the general approach on the three types of offence (this section should be read in conjunction with the next section on defences), and whether there should be higher penalties for repeat offences.*

The Health Scrutiny Board accepts the three categories of offences, but questions whether the fines for the offences of failing to prevent smoking and smoking in a prescribed place are sufficient. Experience from elsewhere suggests that Landlords are more likely to take a proactive attitude towards preventing smoking where they face a significant fine. The Health Scrutiny Board recommends that the Department of Health reconsider the current penalties.

Question 11: *Views are invited on defences set out here*

The Health Scrutiny Board has no comments on the defences.

Question 12 *[re. Enforcement]: Views are invited on the approach outlined above. Comments are particularly welcome on how resource intensive enforcement authorities might expect the enforcement work to be.*

The Health Scrutiny Board would welcome powers for enforcement officers to conduct "mystery shopper" exercises where individuals would attempt to "light-up" in a prescribed premises to test the reactions of the person in charge of a smokefree premises.

Question 13: *Views are invited on how best to regulate a no-smoking at the bar policy in exempted licensed premises.*

The Health Scrutiny Board rejects the proposal for exempted licensed premises, and therefore does not support the notion of laws to enforce a "no smoking at the bar" policy. The Health Scrutiny Board is of the view that civil servants', legislators', and local authority officers' time can be better spent than on drafting, agreeing and enforcing pointless laws that do nothing for the health or well-being of staff and patrons.

Question 14: *Views are invited on the best time for the law to come into effect. Does the end of December provide any particular challenges or opportunities? Enforcement authorities, employers and the hospitality industry may want especially to respond on this point.*

The Health Scrutiny Board accepts that New Year's Eve may not be the best time to introduce a smoke free working environment. Spring would seem more opportune.

Question 15: *Views are invited on the level of risk this policy may present to the drive to tackle binge-drinking and on how any such risk can be mitigated.*

The survey undertaken as part of this response (see Appendix 1) indicated that 20% of catering public houses that responded would stop catering in order to allow smoking to continue. Another 26% would consider stopping catering if business were adversely affected by the proposed restrictions.

While it is not possible to draw a direct conclusion from these responses, there is a well-documented correlation between catering pubs and better public order. Pubs that do not serve food are more prone to binge-drinking and anti-social behaviour. In Coventry, the responses received, multiplied to reflect the city as a whole, could mean an additional 29 non-catering pubs in the city.

The simplest way to mitigate this risk is to not give an exception for pubs and clubs that do not serve food.

Question 16: *It has been suggested that the proposal in the White Paper detailed here will result in smoking pubs and clubs being concentrated in poorer communities. The consequence of this is that the health benefits, in reduced exposure to second-hand smoke and in reduced smoking prevalence, will be less in these communities than in better-off communities, thereby exacerbating health inequalities. Views and evidence on this issue are invited.*

In order to make a response to this consultation, the Health Scrutiny Board commissioned a mapping exercise to plot the location of “smoking” licensed premises against deprivation. This is at Appendix 1.

The results are clear. It is already the case that licensed premises are more likely to be located in deprived areas. However, even taking this into account, the “smoking” licensed premises will be disproportionately concentrated in deprived areas. The data throws up a key finding; while in Coventry 21% of public houses are non-catering (i.e. there are 49 public houses that would allow smoking), there are 104 licensed clubs that could also potentially allow smoking on their premises. Thus the total balance of smoking and non-smoking licensed premises could be 51.3% smoking, and 48.7% non-smoking. In the most deprived quintile these statistics would be even clearer; 54.7% smoking, 45.3% non-smoking, and in the second most deprived quintile, a shocking 59.7% of licensed premises would allow smoking, while only 40.3% would be non-smoking.

72.8% of Coventry’s licensed premises are in the bottom two quintiles for deprivation, yet 80% of smoking licensed premises will be. In the most deprived quintile, 54.7% of licensed premises will allow smoking, while in the least deprived, only 37.5% will allow it.

Even looking solely at public houses, 62.5% of smoking pubs would be in the most deprived quintile. This equates to 25 pubs across Coventry’s most needy populations. In the top *three* quintiles by deprivation, there would be just six smoking pubs. Thus while across the city as a whole 21% of pubs would allow smoking, in the most deprived areas, over a quarter would. In the median quintile, there will not be a single smoking pub, and in the second least deprived quintile smoking public houses will make up just 10% of the total.

If the objective of this proposed law is to improve health and reduce health inequalities, facilitating continued smoking in the most deprived areas of a city like Coventry seems an odd way to do it. Smoking pubs will be concentrated in the most deprived areas, and patrons and staff in those areas are the least likely to be able to choose to visit or work in different pubs. The duty of the Health Scrutiny Board is to make

recommendations that will reduce health inequalities. This law as proposed will not achieve this goal and therefore it is the recommendation of Coventry's Health Scrutiny Board that a ban on smoking in enclosed public spaces be introduced to the timetable set out in the consultation paper, with an exception only for residential premises.

Research and Strategy, Research Paper 28

Smoking in Licensed Premises
An Analysis of Pubs and Clubs in Coventry

John Norton
August 2005



	Page
1. Executive Summary	15
2. Background	16
3. Introduction, Methodology and Assumptions	17
3.1 Introduction	17
3.2 Methodology	17
3.3 Assumptions	17
4. Licensed Premises in Coventry	18
4.1 Licensed Premises by Deprivation	19
5. Smoking in Pubs; Research Findings	22
5.1 Response Rate	22
5.2 Results	22
5.2.1, Q1 - Should the proposals become law, at the end of 2008 your establishment will have to be 100% no smoking. How do you think this will affect business at your pub?	22
5.2.2, Q2 - To continue to allow smoking at your pub you would have to stop preparing and selling food. Do you think you will?	23
5.2.3, Q3 - Any other comments?	23
6. Projected Research Findings	24
6.1 - Projected Research Findings by Deprivation	25
7. Conclusions	26
Appendices	27
Appendix A - Smoking in Pubs – Consultation Questionnaire	28
Appendix B – Q3, Any other Comments	29

1. Executive Summary

- There are 298 licensed premises in Coventry.
- At present 145 (48.7%) of these are catering public houses and would be subject to a proposed smoking ban.
- 50% (150 out of 298) of all licensed premises are located in the most severely deprived areas of the city.
 - Over half of these would not be subjected to a smoking ban under current proposals.
- The 145 catering pubs that will be affected by the smoking ban were surveyed to gather opinions on the proposals. Responses were received from 64 of these (44.1%).
- 73% of catering pubs believe that the imposed ban will have a negative effect on business.
- 20% of catering establishments indicated that they would cease to serve food in order to avoid an imposed smoking ban.
- Research indicates that post implementation there will be 116 catering establishments in the city. The remaining 182 would not be subject to any imposed ban.
- Findings also indicate that the proportion of premises that remain smoking in the most severely deprived areas of the city will actually be approximately 65%.

2. Background

In November 2004 the government released a White Paper entitled '**Choosing Health: making healthier Choices easier**'. The White Paper sets out the key principles for supporting the public to make healthier and more informed choices in regards to their health. The Government will provide information and practical support to get people motivated and improve emotional wellbeing and access to services so that healthy choices are easier to make.

On the 20th June 2005 the Government released a consultation paper entitled '**Consultation on the Smokefree Elements of the Health Improvement and Protection Bill**'.

The consultation focuses on proposals within the white paper for introducing smoke-free workplaces across England. In summary, the proposals also say that by the end of 2008 there will be a ban on smoking in licensed premises that serve prepared food, with other licensed premises and private clubs able to decide whether they wish to introduce a ban or not.

As part of Coventry City Councils response to this consultation the Health Scrutiny Board, chaired by Councillor Joe Clifford, commissioned Research and Strategy to conduct research investigating the effects and extents of the proposals upon licensed premises and their patrons in Coventry.

The full papers are available from the Department of Health website:

White Paper:

<http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/fs/en#5351112>

Consultation:

<http://www.dh.gov.uk/Consultations/LiveConsultations/fs/en>

3. Introduction, Methodology and Assumptions

3.1 Introduction

This report details the findings of research conducted to assess the effect and extent of proposals to create a smoke free workplace upon licensed premises and their patrons in Coventry.

The proposals focus on a total smoking ban on any licensed premises that prepare and sell food.

To address this the research was divided into two parts. The first aimed to use existing licensing records held by the City Council to accurately map licensed premises in the city. Secondly, those who were to be directly affected by the ban (i.e. those preparing and serving food) were surveyed with the objective of gaining their views on the effects of the ban and to establish if they would consider changing how they do business in order to avoid the ban.

3.2 Methodology

Those premises which, according to our current records, would in 2008, be directly affected by a smoking ban were identified and issued a self-completion questionnaire (see Appendix 1 of the report). Managers of the premises were given 2 weeks to complete the questionnaire and return it in a pre-paid envelope. Those premises, which did not complete the questionnaire, were subsequently telephoned in an effort to gain a response.

The questionnaire contained just 3 questions, which aimed to establish:

- How managers thought the imposed legislation would effect their business;
- If they would consider changing the way they did business (i.e. stop selling and preparing food) in order to avoid the imposed ban;
- Ascertain managers views on the proposal.

All information was then collated and analysed and used to inform the findings detailed in this report.

3.3 Assumptions

Private Clubs will have the opportunity to consult their members as to whether they remain a smoking venue whilst continuing to serve food. For the purpose of this research the assumption has been made that all private clubs will remain smoking venues. Whilst this may not be the case it is important that this potential is recognised.

4. Licensed Premises in Coventry

Licensing records held by Coventry City Council detail 297 premises in Coventry, these consist of:

	No. of Premises
Public House - Non Catering	49
Public House - Catering	145
Licensed Club - Private	68
Licensed Club - Public	36
Total	298

These records have been analysed and mapped accordingly. Figure 1 below shows the locations of the premises within the City:

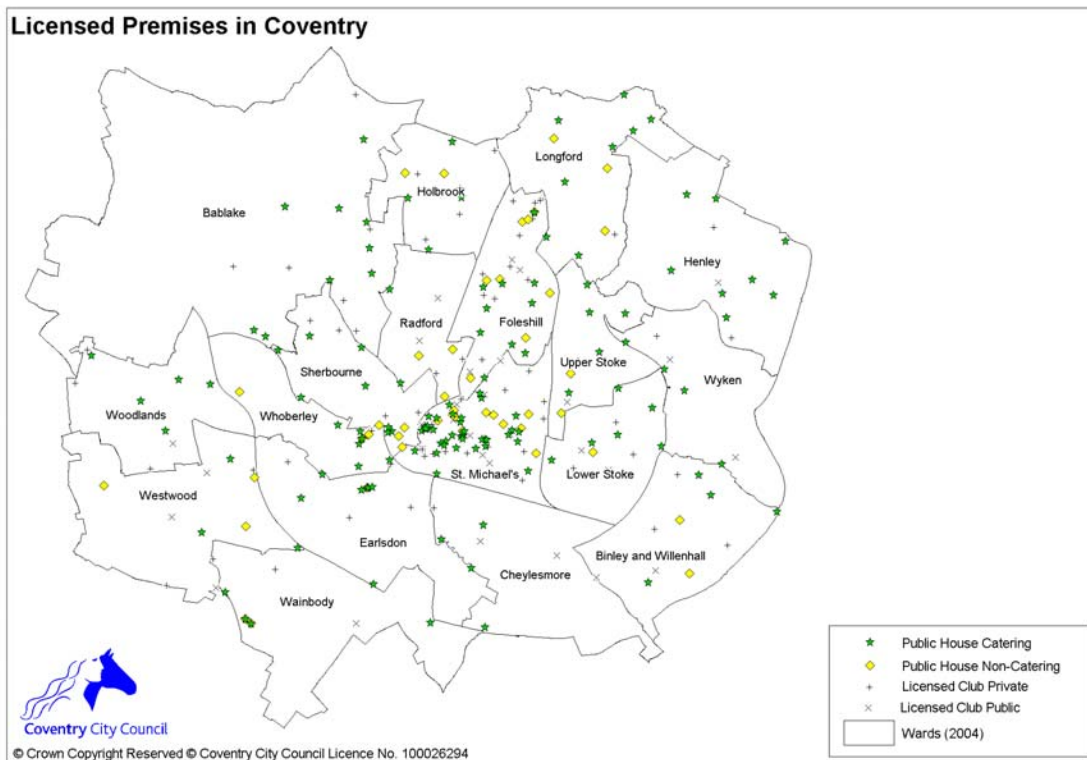


Figure 1: Licensed Premises by Ward in Coventry

As expected the map details a concentration of premises around the City Centre, which is seen as a focus for the city's social and nightlife.

Under the smoke free proposals the 145 premises currently registered as Catering would have to become smoke free by the end of 2008. The remainder would be exempt and therefore would probably remain smoking establishments.

When the White Paper "**Choosing Health: making healthier Choices easier**" was released the government claimed that 10 to 30% of pubs would fit into the not serving food category and would therefore allow smoking upon implementation of the legislation in 2008. These findings show the estimate is far off the mark for Coventry as, if current trading practices remained, 51.3% (153 out of 298) would not be effected by the smoking ban.

4.1 Licensed Premises by Deprivation

The '2004 English Indices of Deprivation'^{*} allow us to compare the levels of deprivation within the city to the rest of England. The areas which fall in the 20% most deprived nationally are defined by the Government as those facing 'severe deprivation'. Figure 2, below details the locations of licensed premises in Coventry in relation to levels of Deprivation in the city:

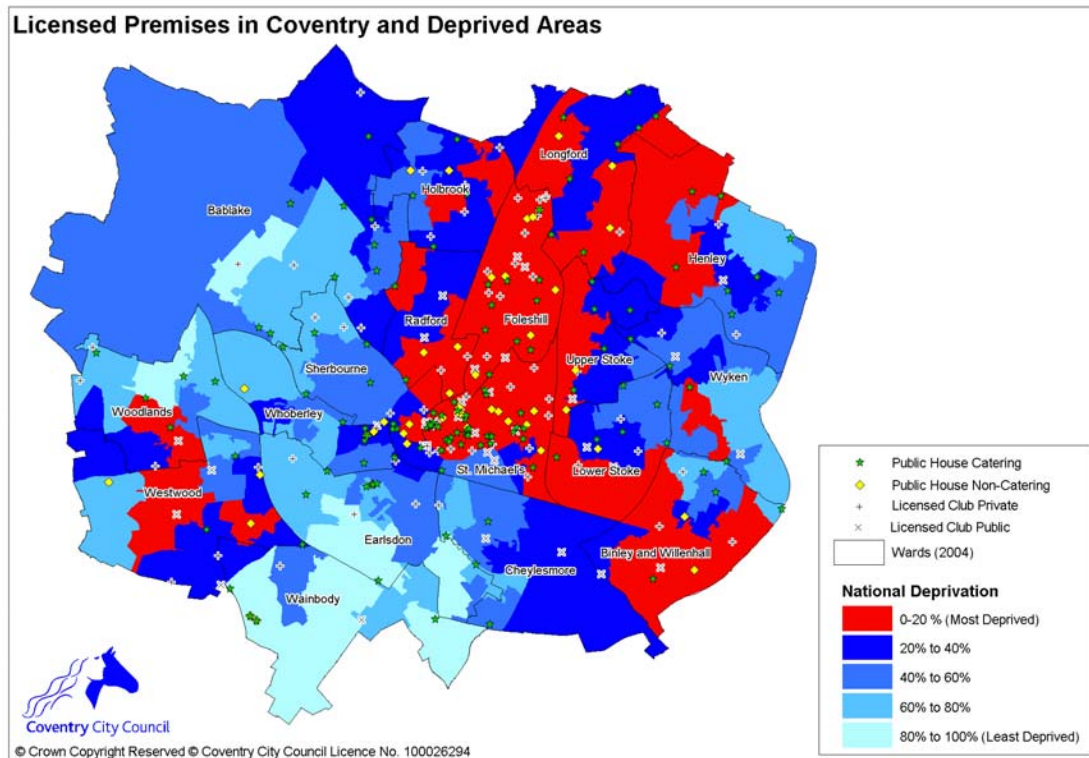


Figure 2: Licensed premises and deprivation within Coventry

Analysis of the locations of licensed premises by areas of deprivation in the city provide the following:

Type of premises	<i>Most Deprived</i>			<i>Least Deprived</i>		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
Public House – Catering	68	27	23	17	10	145
Public House - Non Catering	31	10	1	3	4	49
Licensed Club – Private	32	20	6	8	2	68
Licensed Club – Public	19	10	6	1	0	36
Total	150	67	36	29	16	298

Under the proposals, Catering public houses will be subject to a total ban on smoking, the remainder will not. By grouping these we can then compare the proportions of smoking and non smoking establishments across the deprivation splits. The table below details this analysis.

Row %	<i>Most Deprived</i>			<i>Least Deprived</i>		Total
Type of premises	0-20%	20-40%	40-60%	60-80%	80-100%	
Smoking	53.6%	26.1%	8.5%	7.8%	3.9%	100.0%
Non-Smoking	46.9%	18.6%	15.9%	11.7%	6.9%	100.0%
Total	50.3%	22.5%	12.1%	9.7%	5.4%	100.0%

* Source: Office of the Deputy Prime Minister (www.odpm.gov.uk)

The two previous tables indicate that 50.2% of all licensed premises fall within the most severely deprived areas of the city. Conversely the least deprived areas contain only 5.4% of all licensed premises.

By looking at each of the deprivation splits individually, we can get an understanding of the proportions of establishments that will be smoking and non smoking within each:

Column %	<i>Most Deprived</i>			<i>Least Deprived</i>		
Type of premises	0-20%	20-40%	40-60%	60-80%	80-100%	Total
Smoking	54.7%	59.7%	36.1%	41.4%	37.5%	51.3%
Non-Smoking	45.3%	40.3%	63.9%	58.6%	62.5%	48.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

In the most deprived areas of the city over half the establishments (54.4% and 59.7% respectively) will remain smoking after the implementation of the ban. Non-smoking establishments become the majority as the areas become less deprived.

At present, over half of all licensed premises are positioned within the most severely deprived areas of the city. Figure 3 overleaf highlights the severely deprived areas of the city and the locations of licensed premises relative to these.

The apparent correlation of licensed premises being located in the most deprived areas is a combination of several factors. The location of many licensed premises outside the city centre is a legacy from the past when drinking establishments played a key role in community life and afforded many people with their only source of leisure. Higher population densities mean that communities can support more licensed premises. Whist drinking tends to be higher in deprived communities, many of the drinking establishments rely on people travelling from a wider area to enjoy the facilities. This is particularly true of licensed clubs and high profile public houses.

A further factor contributing to the correlation is that overhead and staff costs tend to be lower in deprived areas than elsewhere. This means that licensed premises can operate at a lower turnover and/or earn higher profits, particularly if the business can attract customers from a wide area. The licensed premises do, of course, offer work to local people and are a factor in meeting part time employment needs.

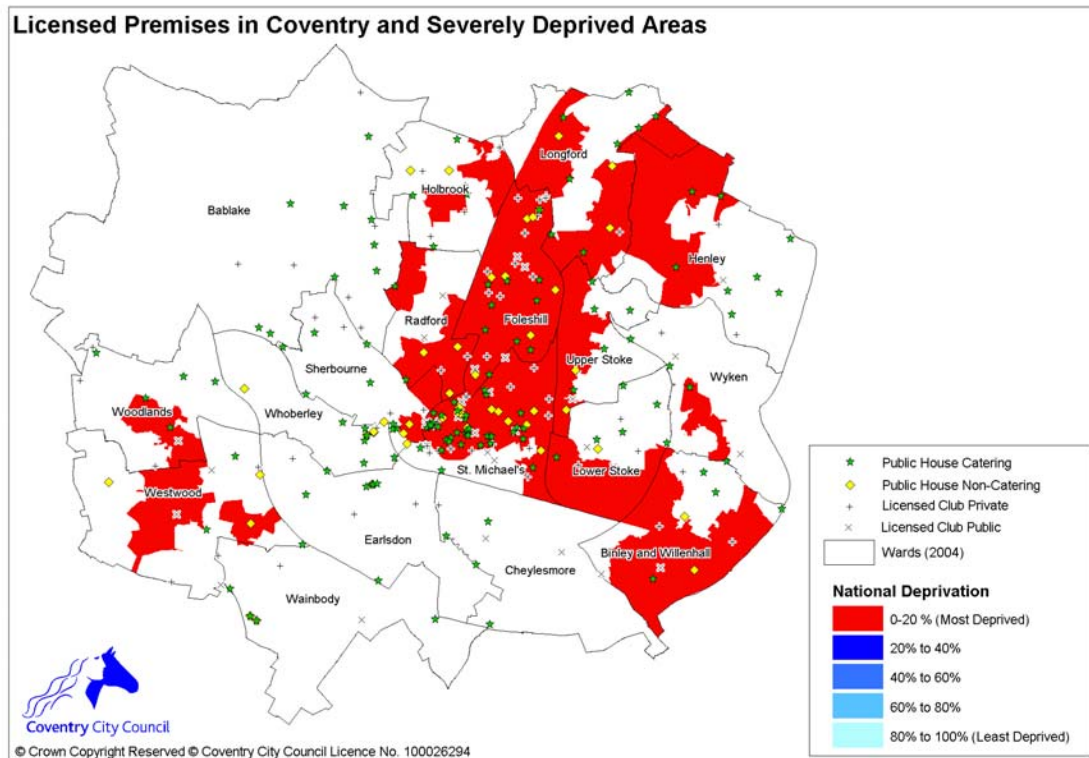


Figure 3: Licensed premises and severely deprived areas.

Conversely more affluent areas are less densely populated and people living in these areas tend to have more access to leisure opportunities than people living in deprived communities. This limits the opportunities to establish a licensed business in an area where local opposition in planning terms might be much more vocal.

In the city centre and in some suburban areas, there are high concentrations of licensed premises. These areas attract people to them because of convenience of their location and, particularly for the city centre, as a meeting place and for a sense of excitement. People will travel from all over the city to the city centre for a good night out.

The correlation between the location of licensed premises and deprived areas is complex and is not necessarily causal. There are many factors to be taken into account including the relationship between lower incomes and alcohol related problems.

5. Smoking in Pubs; Research Findings

The primary research for this report focused solely on catering public houses as non-catering pubs will not be affected by legislation so will continue to allow smoking. In addition private clubs may not be directly affected by any legislation in the proposals (see assumptions, page 5).

City Council records indicated that there were 145 Catering pubs and 49 Non-Catering pubs in Coventry.

The 145 catering premises were surveyed using the questionnaire in **appendix 1** of the report. This section of the report details the findings of the research.

5.1 Response Rate

Of the 145 questionnaires distributed 44 were returned via post. Follow up telephone calls extracted a further 20 successful responses giving a total of 64 responses. This gives a response rate for the research of 44.1%.

Follow up telephone calls were often unsuccessful for two main reasons:

- Managers of pubs owned by large breweries (i.e. Mitchells & Butlers) were unable to comment as the decision is not theirs to make.
- A general unwillingness to co-operate with the research.

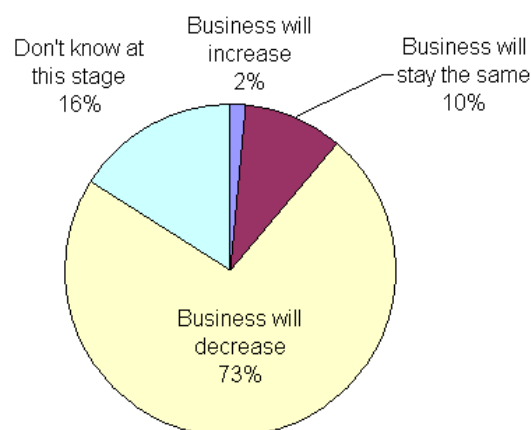
5.2 Results

5.2.1 Q1 - Should the proposals become law, at the end of 2008 your establishment will have to be 100% no smoking. How do you think this will affect business at your pub?

62 of the pubs provided a response to this question. Results were:

	Count	%
Business will increase	1	2%
Business will stay the same	6	10%
Business will decrease	45	73%
Don't know at this stage	10	16%
Total	62	100%
Not answered	2	-

Q1 - How will business be affected?



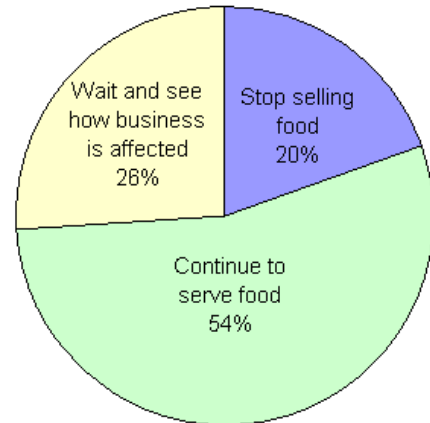
It is clear from the findings that the majority of catering establishment managers believe the imposed ban will have a negative effect on their business with 74% indicating that business will decrease. Only 1 manager indicated that they thought the ban would have a positive impact on business, this is however, an evidence based comment as the establishment has already imposed the smoking ban.

5.2.2, Q2 - To continue to allow smoking at your pub you would have to stop preparing and selling food. Do you think you will?

61 responses were received to this question:

Q2 - Will the pub stop serving food?

	Count	%
Stop selling food <i>(i.e. continue to allow smoking)</i>	12	20%
Continue to serve food <i>(i.e. become 100% no smoking)</i>	33	54%
Wait and see how business is affected	16	26%
Total	61	100%
No answer	3	-



Survey results indicate that 20% of the catering pubs would immediately stop selling food in-order to avoid the imposed ban on smoking. 54% indicated that they would continue to serve food and become a non-smoking establishment. The remaining 26% indicated that they would continue to serve food but would monitor the effects the smoking ban would have on their business.

5.2.3, Q3 – Any other comments?

Licensees were given the opportunity to openly comment on the issues highlighted in the questionnaire. Here there were 26 comments received, the responses are available in full in **appendix 2** of the report.

A common theme in the comments was the suggestion that a pub should be allowed to operate two separate rooms, one smoking and one non-smoking. This is no doubt a reflection of current trade practice.

One comment of interest stated:

" Would prefer to see a blanket ban - the pub will lose out custom especially during the day if there are places that customers can go to where they can smoke"

This highlights a concern that the ban will provide an unfair trading environment for pubs that continue to serve food and are therefore subject to a ban.

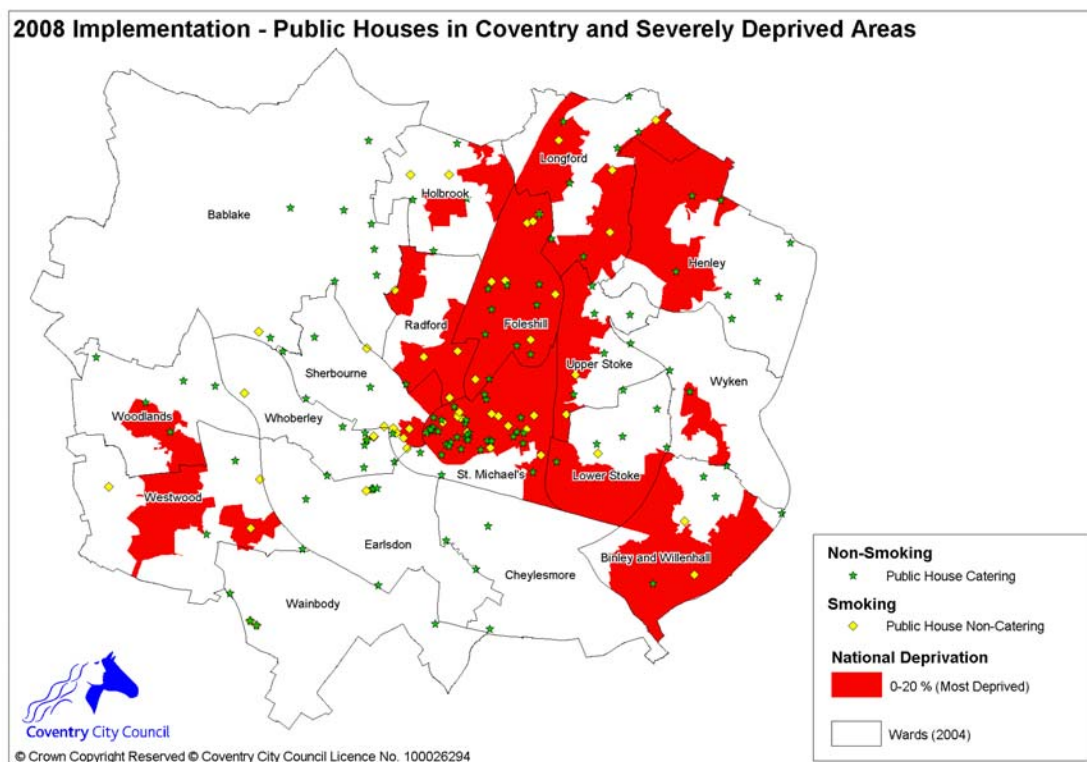
One of the comments poses a general question:

"My pub only serves food in the day until 3pm. In the evenings the pub is totally different with an emphasis on drinking, no food is served. Will smoking be allowed at times when food is not served?"

This is a reflection of the lack of understanding that publicans have with regards to the detail of the proposed legislation. It is clear that awareness of the proposed legislation needs to be raised amongst those directly effected so that publicans can plan for their implementation in 2008.

6. Projected Research Findings

Unfortunately, the research did not receive a 100% response rate so we cannot accurately map the future trading status of all catering public houses. What the research did find is that of the 145 catering pubs, 12 would cease to produce food should a smoking ban be enforced. This would leave 133 catering pubs and 61 non-catering pubs. Figure 4 below shows how these would be located whilst also highlighting the severely deprived areas of the city.



With a response rate of 44% we can be confident that the findings of the research are representative of all catering pubs. The findings indicated that 20% of catering pubs would immediately cease catering in order to avoid the smoking ban. This can be used to provide an estimated picture for how pubs and clubs would trade upon implementation of the proposals at the end of 2008:

Trading Status	Present Day 2005		Post implementation End 2008	
	Count	%	Count	%
Non-Smoking	145	49%	116	39%
Public House Catering	145	49%	116	39%
Smoking	153	51%	182	61%
Public House - Non Catering	49	16%	78	26%
Licensed Club - Private	68	23%	68	23%
Licensed Club - Public	36	12%	36	12%
Total	298	100%	298	100%

* Post implementation assumes that 20% of catering pubs would cease to sell food.

Therefore, research suggests that 116 licensed premises (38.9%) in the city would become entirely no smoking. Smoking bans in the remaining 182 premises (61.1%) would not be enforceable under the current legislation proposals.

6.1 - Projected Research Findings by Deprivation

By applying these findings to the deprivation analysis conducted in section 4.1 of the report we can get an indication of the proportions of smoking and non-smoking properties that will be located in the deprived areas of the city upon implementation of the legislation. As highlighted in section 4.1, current records detail the picture as:

Type of premises	Most Deprived			Least Deprived		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
Smoking	82	40	13	12	6	153
Non-Smoking	68	27	23	17	10	145
Total	150	67	36	29	16	298

Licensed Premises by Deprivation; Pre-Implementation

By projecting the finding that 20% of all catering establishments will cease to serve food then we can estimate the post implementation totals to be:

Type of premises	Most Deprived			Least Deprived		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
Smoking	96	45	18	15	8	182
Non-Smoking	54	22	18	14	8	116
Total	150	67	36	29	16	298

Licensed Premises by Deprivation; Post-Implementation (ESTIMATED)

Analysis of the proportions of smoking and non-smoking establishments within each of the deprivation splits gives the following:

Type of premises	Most Deprived			Least Deprived		Total
	0-20%	20-40%	40-60%	60-80%	80-100%	
Smoking	63.7%	67.8%	48.9%	53.1%	50.0%	61.1%
Non-Smoking	36.3%	32.2%	51.1%	46.9%	50.0%	38.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Proportions of Licensed Premises by Deprivation; Post-Implementation (ESTIMATED)

As expected, the proportions of smoking establishments have increased across all areas. The proportions of smoking establishments are especially high in the deprived areas of the city.

Caveat

Here, it should be noted that the figures in this section are estimated based on the broad findings of the research. Whilst the figures may not be entirely accurate they do give a feel for the potential change in the city.

7. Conclusions

The research concludes that the governments estimate that only 10 to 30% of establishments will avoid the smoking ban is not accurate for Coventry. Under current trading practices 51.3% of establishments would avoid the ban in Coventry. Findings also suggest that catering pubs may cease to serve food when the legislation is implemented and the final proportion of establishments avoiding the smoking ban may rise to 61% in Coventry.

The research also confirms findings by the British Medical Association (BMA)[#] which indicate that pubs in deprived areas are more likely to remain smoking in the likelihood of a smoking ban. Whilst not as high as some areas (Leeds reports 88% of pubs will remain smoking), the figure is still of significant concern. Therefore the implementation of a ban could serve to widen the 'health gap' between the poorest and richest in the city. This would also contravene one of the key priorities for the 'Health and Well-being' theme group of the Coventry Partnership, which states:

- We will improve the health and well-being of people, focusing on those in most need.

[#] Source: 'Booze, Fags and Food', British Medical association, May 2005. www.bma.org.uk

Appendices

Appendix A - Smoking in Pubs – Consultation Questionnaire

This very short questionnaire is designed to collect data which will be used to inform Coventry City Council's response to the Department of Health Consultation on the Smoke Free Elements of the Health, Improvement and Protection Bill.

As the manager of a Catering Public House your establishment will be directly affected by the proposals in the consultation. In summary, **by the end of 2008 it will be compulsory to provide a total smoke free environment within any licensed establishment that prepares and serves food on site.**

The Data Controller is Coventry City Council. All the data will be aggregated and no details of individual premises will be published. Should you have any questions regarding this survey then please contact the Research and Strategy team at Coventry City Council on 024 7683 2456. **Please return the completed questionnaire in the pre-paid envelope provided by Friday 29th July 2005.**

Your Establishment Details, our records indicate the following:

Trading Name:

License Status: Public House Catering

If this information is not correct please complete the following[#]:

Current Trading Name: _____

Catering Status: (tick one only)	Public House, Catering	<input type="checkbox"/>	- Please go to Q1
	Public House, Non-Catering	<input type="checkbox"/>	- Please return the questionnaire in the envelope provided

Q1 - Should the proposals become law, at the end of 2008 your establishment will have to be 100% no smoking. How do you think this will affect business at your pub?

Business will increase	<input type="checkbox"/>
Business will stay the same	<input type="checkbox"/>
Business will decrease	<input type="checkbox"/>
Don't know at this stage	<input type="checkbox"/>

Q2 - To continue to allow smoking at your pub you would have to stop preparing and selling food. Do you think you will?:

Stop selling food (i.e. continue to allow smoking)	<input type="checkbox"/>
Continue to serve food (i.e. become 100% no smoking)	<input type="checkbox"/>
Wait and see how business is affected	<input type="checkbox"/>

Q3 – Any other comments?

Many thanks for taking the time to complete this questionnaire

[#] It is possible that our records may be incorrect due to the process of rolling inspections, if so please provide your amended details in the space provided.

Appendix B – Q3, Any other Comments

Responses were:

- *Current business is wet and food sales. Thinks that every establishment should be completely smoke free or allow smoking. Doesn't understand why people eating need smoke-free but not people who are only drinking*
- *Feels that a separate room where food is not served should be available to smokers*
- *Situated in Warwick Arts Centre which is currently a non smoking public building*
- *Unless there is a blanket ban on smoking in public places, then the few that go along with a ban I believe will suffer a loss of business. This has been confirmed following discussion with my customers*
- *Feels none smoking area is best or between food-serving hours*
- *The most ill thought out policy in years. The nanny state at its worst*
- *Thinks bars should have air conditioning with proper ventilation. Then smoking wouldn't be a problem, or half and half*
- *Business has increased since banning smoking*
- *My pub only serves food in the day until 3pm. In the evenings the pub is totally different with an emphasis on drinking, no food is served. Will smoking be allowed at times when food is not served?*
- *Brewery's final decision*
- *Heavy handed bad policy*
- *Although we would welcome a non-smoking policy, with non-food business still not having a full ban, maybe keeping a room for smokers without serving food would be an option I.e. lounge - food non-smoking, bar - smoking no food*
- *Hoping trade will continue the same, but only a 1-room pub could decrease, but not as much as stopping selling food*
- *Doesn't serve food as such but does put on buffets for the darts team and provides free food when the football is on - would this be construed as serving food?*
- *Only serves food on a Sunday but would stop doing it*
- *Only serves food until 3.00pm more than happy to impose a ban whilst food is being served but does this mean that it would have to be non smoking at night?*
- *Would prefer to see a blanket ban - the pub will lose out custom especially during the day if there are places that customers can go to where they can smoke*
- *Has a non-smoking restaurant currently, so why do they have to stop selling food?*
- *I think we should be able to choose whether to permit smoking or not - advertising clearly so customers are aware before entering. Improve air conditioning & segregated non smoking areas. Business will definitely suffer as smoking & drinking go hand in hand*
- *Smoking in segregated areas should be allowed*
- *Only the restaurant is open, the bar is closed*
- *Customers and I are at greater risk of being victims of crime than injured by smoking. The government and local authority ought to use resources for crime prevention and when it is in order then use resources in other areas*
- *We only serve fresh batches*
- *If this law is to be implemented, then it should be across board, otherwise this will give an unfair advantage to clubs etc., who will be able to continue to provide smoking areas*
- *90% smoking customers*
- *Very difficult decision. Brewery's decision*

DISCLAIMER: The views expressed in this Research Paper aim to inform debate and do not necessarily represent the views of Coventry City Council.

If you need this information in another format or language please contact us.

Telephone: (024) 7683 2456

Fax: (024) 7683 2269

e-mail: john.norton@coventry.gov.uk

Research & Strategy, Floor 1, West Orchard House, 28-34 Corporation St, Coventry, CV1 1GF



Coventry City Council

CABINET

20th September, 2005

Cabinet Members
present:-

Councillor Arrowsmith
Councillor Blundell
Councillor Foster
Councillor Kelsey
Councillor Matchet
Councillor O'Neill
Councillor Ridley
Councillor Taylor (Chair)

Non-voting opposition
representatives present:-

Councillor Benefield
Councillor Duggins
Councillor Mutton
Councillor Nellist

Nominee of Chair of Scrutiny
Co-ordination Committee
present:

Councillor Ridge

Other Members present:-

Councillor Clifford
Councillor Gazey
Councillor Ridge
Councillor Stone

Employees present:-

C. Burrows (Chief Executive's Directorate)
N. Clews (City Development Directorate)
F. Collingham (Chief Executive's Directorate)
P. Deas (City Development Directorate)
A. Duncan (City Development Directorate)
A. French (Finance and ICT Directorate)
M. Green (City Services Directorate)
C. Hinde (Director of Legal and Democratic Services)
R. Hughes (Head of Corporate Policy)
S. Iannantuoni (Chief Executive's Directorate)
S. Manzie (Chief Executive)
J. McGuigan (Director of City Development)
B. Messinger (Head of Human Resources)
P. Moore (Social Services and Housing Directorate)
J. Parry (Education and Libraries Directorate)
S. Pickering (Director of City Services)
A. Ridgwell (Head of Finance and ICT)
S. Rudge (Social Services and Housing Directorate)
J. Russell (City Development Directorate)
C. Steele (Legal and Democratic Services Directorate)

S. Venters (Legal and Democratic Services Directorate)
C. West (Education and Libraries Directorate)

Apologies:- Councillor H. Noonan

Public business

93. Declarations of Interest

Councillor Nellist declared personal interests in the following:-

Minute No.	Subject
104	Homelessness Strategy 2005 – 2010 (insofar as it relates to debt counselling)

96. Strategic Partnering Agreement – Coventry Care Partnership Limited

The Cabinet considered a joint report of the Director of City Development and Director of Social Services and Housing, which sought authority to participate in the Strategic Partnering Agreement between Coventry Care Partnerships Limited (The Coventry LIFT Company) and the public authorities responsible for delivering health and social care services in the City (the Coventry Teaching Primary Care Trust and the Coventry and Warwickshire Ambulance Trust).

Nationally, the NHS LIFT initiative was launched in 2001 to deliver a stepped change in primary and social care by developing and supplying new and refurbished health and social care facilities through a public private partnership procurement model. To date, 42 primary care trust areas have been awarded LIFT status and the LIFT model of procurement has also been adopted by the Department of Education and Skills as the delivery model for Building Schools for the Future, the programme to replace and refurbish all secondary schools in the country.

Coventry was awarded LIFT status in 2002 and previous reports have been submitted on the Council's participation in an NHS LIFT company in Coventry, the approval of its first Strategic Service Development Plan, the allocation of sites to the LIFT project, confirmation of the preferred private sector partners for the project, disposal of land at Bennetts Road South and disposal of land at Russell Street.

The Coventry LIFT company was established in December 2004 and trades under the name of Coventry Care Partnerships Limited. Its shareholders are GBC Consortium (a consortium of private organisations), Partnerships for Health (a public-private joint venture) and the Coventry Teaching Primary Care Trust.

When Cabinet considered participation in LIFT in 2002, it was recommended to participate in LIFT and engage at a level that approved the Strategic Service

Development Plan but short of becoming a participant in the Strategic Partnering Agreement because of the uncertainties of what this may involve. When Coventry Care Partnerships Limited was established, a Strategic Partnering Agreement was established at the same time between the Company and the Primary Care and Ambulance Trusts and a mechanism incorporated for other public bodies to participate in the Agreement.

It is proposed that the Council enter the Strategic Partnering Agreement, a 20-year framework agreement to deliver services and buildings in Coventry to meet health and social care requirements for the participants. It gives the public sector bodies the benefit of an obligation to deliver buildings and services and effective control over their delivery. It gives Coventry Care Partnerships exclusivity (in respect of health care buildings) to supply these buildings during the partnership period.

The Agreement is governed by a Strategic Partnership Board which monitors the Agreement, approves the Annual Strategy Service and Development Plan and initiates any shared schemes and projects. The Partnership Board is made up of one representative for each partner, plus other stakeholders in the local health economy. Representation for the Primary Care and Ambulance Trusts is at chief executive level and it is proposed that the Chief Executive be nominated as the City Council's representative. The Board has already been established and the Council represented in a shadow basis. To assist the Chief Executive in this role, an officer working group would be established to advise on opportunities to progress joint initiatives and co-ordinate the Council's input to the process.

Decisions to proceed with a project (stage 2 approval) are taken by the Board on a majority vote basis and projects worked up to stage 1 level are done so at the expense and risk of Coventry Care Partnerships Limited and any party is able to withdraw without penalty at this stage. Where decisions involve procuring new projects (at stage 2 level), the vote is only among the public bodies on the Board and a public body is only bound to expenditure if it votes in favour of a project and is a participant in it. The Council would not, therefore, be financially committed to a project unless it voted in favour of it at Board level (at stage 2 level) and the project involved the Council as a participant. Withdrawal after a stage 2 approval would incur abortive costs.

In view of this and the fact that the Council's representative has the power to initiate expenditure and bind the Council, it was proposed that individual schemes could only be pursued to a stage 2 approval with a qualifying minute from appropriate Cabinet/Cabinet Member meeting where the policy objectives and financial implications for the Council had been approved. The Chief Executive confirmed at the meeting that she would not be in a position to commit the City Council without political approval.

The Agreement is limited to the Coventry geographical area and to the provision of health and social care buildings. If the Council decided to be part of an integrated project, accommodation would be provided as serviced accommodation with Coventry Care Partnerships being responsible for repair, maintenance and insurance on a lease plus basis during the term of the lease.

The Council have the discretion about whether to be involved in a project and whether it wanted to put land and/or buildings into the financial equation. It would take these decisions on a case-by-case basis and it is suggested that a key decision is taken after consultation internally before a project is put forward to Board level.

The Cabinet formally noted that this report recommended the making of a key decision on a matter not included in the published Forward Plan. On that basis, pursuant to paragraph 4.2.16 of the Council's Constitution, the nominee (Councillor Ridge) of the Chair of the Scrutiny Co-ordination Committee confirmed that the taking of the decision could not be reasonably deferred. In that event, pursuant to paragraph 4.5.27, Councillor Ridge agreed the need for urgency such that call-in arrangements would not apply.

RESOLVED that the Council be recommended to:-

- (1) Authorise the City Council to enter into the Strategic Partnering Agreement for the Coventry NHS LIFT project, subject to the Director of Legal and Democratic Services being satisfied as to the documentation.**
- (2) Authorise the Chief Executive to be the Council's representative on the Strategic Partnering Board.**

97. Review of Organisational Structure 2005

Further to Minute 14/05, the Cabinet considered a report of the Chief Executive on responses to consultation on the Review of Organisational Structure 2005.

The previous report set out a series of proposals as a consequence of reviewing the organisational structure and was circulated to all staff and to some partners, with a later circulation to other partners. In total, ten responses had been received to date, including team responses from the Social Services and Housing Management Team, the Culture and Leisure Team and the Scrutiny Co-ordination Team.

There had been no opposition in the consultation to the general principle of setting up a Community Services Directorate, nor to regrouping the Council's research, forward planning, scrutiny, performance and efficiency/value for money functions in the Chief Executive's Directorate. It had in general focused on specific functional issues and the overall proposed structure remained as in the previous report, except that it is not now proposed to move Community Safety to Neighbourhood Management at this stage.

The Culture and Leisure Management Team welcome the opportunity to move as a positive change; acknowledge the benefits of the links they had developed whilst in the City Development Directorate; identify the importance of work with leisure partners, including Trust arrangements; and made detailed comments on the proposed structure. The Culture and Leisure Finance Team commented

separately and sought reassurance about impact on jobs in any transition process.

Comments were received both from Scrutiny Co-ordination Group and the Chair of Scrutiny Co-ordination Board, supporting the proposal to move the Scrutiny Co-ordination Group into the Chief Executive's Directorate, believing that it would "make clearer and enhance Scrutiny's role in policy development and performance management..." among other advantages and Scrutiny Co-ordination Committee gave further consideration to the proposal on 14th September, 2005. That Committee emphasised the need to link the work of the Scrutiny Co-ordination Group to Scrutiny Board Chairs.

The Social Services and Housing Senior Management Team made points in relation to the importance of recognising, within planning for the Directorate, the possibility of a healthcare community trust between the Coventry PCT and the Council; advocated transferring the Health Development Unit from its current location in City Services to the new Community Services Directorate; would like to see the report more strongly promoting a vision for the organisation of the Community Services Directorate; and raised the issue of co-ordination of work of pensions and benefits across the Council. Comments from a range of individuals related to community safety, customer and business services and the Council's tree service.

In relation to partner responses, Coventry Partnership Secretariat's views largely relate to the proposals for the Corporate Policy Unit, whilst the Board of CV One Limited had expressed the strong view that the Culture and Leisure service should not be moved out of the City Development Directorate.

Following careful consideration of the consultation responses, the following changes were proposed to the report previously considered:-

- (a) Community Safety – It is not now proposed to bring Community Safety to Neighbourhood Management at this stage.
- (b) Scrutiny Group – Although it is still proposed to transfer the Scrutiny group from Legal and Democratic Services into the Corporate Policy Unit of the Chief Executive's Directorate, it is proposed that the Scrutiny function should be clearly identified as a specific service in order to underline its important relationship to its elected members through Scrutiny.

The key points where no changes are proposed are Culture, Leisure and Libraries and Health Development Unit/Health Promotion.

RESOLVED that the Council be recommended:-

- (1) To create a Community Services Directorate containing the existing services units relating to Adult Services, Older People's Services and Housing Strategy and the newly configured service of Culture, Leisure and Libraries, as set out in Appendix A to the report submitted.**

- (2) To focus a number of efficiency and effectiveness, performance, scrutiny, research, research, information and consultation and forward planning functions in the Chief Executive's Directorate as set out in Appendix B to the report submitted.
- (3) To ensure the organisational arrangements for Scrutiny reflect the Scrutiny Board Chair and Member agenda.
- (4) To delegate to the Chief Executive in consultation with the relevant Cabinet member the detailed arrangements for the changes.

102. **Response to the Hampton Review and the Creation of the Consumer and Trading Standards Agency (CTSA)**

The Cabinet considered a report of the Director of City Services on background to the Hampton Review, its aims and key recommendations and requests members to consider the CTSA and its potential impact on the Local Authority Trading Standards Service. The report also provides responses to the consultation on the proposed CTSA to the Department of Trade and Industry (dti) as attached as Appendix A to the report.

The report had also been considered by the Scrutiny Co-ordination Committee, whose comments were reported at the meeting.

In the Budget 2004, the Chancellor asked Phillip Hampton to identify ways in which the administrative burden of regulation on businesses could be reduced, while maintaining or improving regulatory outcomes. The final report – "Reducing Administrative Burdens: effective inspection and enforcement" provided 35 recommendations for meeting this goal.

The review's scope included the Environment Agency, HSC/E, Financial Services Authority, Rural Payments Agency, Food Standards Agency, English Heritage, Maritime and Coastguard Agency, VOSA, Driving Standards Agency, State Veterinary Service, Environmental Health and Trading Standards.

Recommendations can be split into 5 broad categories:-

- (a) Improvements to Risk Assessment – the report suggested that an effective system and use of risk assessment would ensure regulators take proper account of the nature of businesses, leading to a reduction in the requirement and number of inspections.
- (b) Improvements to Advice – the report identified the need for proper advice, with benefits ranging from reducing the time taken for businesses to comprehend the regulations, to increasing the probability of compliance.

- (c) Reductions in form filling – the report suggests addressing the amount of forms regulators pass to businesses and the time taken to fill in forms. Businesses, especially smaller ones, spend too much time and resources on form filling.
- (d) Improvements to the Penalty Regime – the report provided recommendations with a view to ensuring businesses and regulators have an interest in proper sanctions against illegal activity, in order to prevent businesses operating outside the law to gain competitive advantage.
- (e) Changes to the Regulatory Structure – the report recommends changes to the complicated regulatory structure, with the consolidation of some national regulators into groups with principle themes:-
 - Consumer Protection and Trading Standards
 - Health and Safety
 - Food Standards
 - Environmental Protection
 - Rural and Countryside Issues
 - Agriculture Inspection; and
 - Animal Health

The report also recommends the creation of the CTSA on the following grounds:-

"In the area of Consumer Protection and Trading Standards, there is a multiplicity of local providers and some major national interests, but no clear co-ordinating body. The lack of strategic focus on trading standards, outlined in the analysis of local authority performance, is partly attributable to this, as is the lack of joining up on issues such as the provision of generic advice to businesses and the general public. While there have been considerable advances in co-ordination in this area, led by the dti and the Local Authorities Co-ordinators of Regulatory Services (LACORS), the review believes that co-ordination can go much further."

The review proposes the role of the CTSA to be as follows:-

"The review recommends that a new body should be created at the centre of Government, to co-ordinate work on Consumer Protection and Trading Standards. This body would have the lead policy responsibility for Trading Standards nationally. It would have the responsibility of overseeing the work of local authorities on Trading Standards issues, as the Food Standards Agency does in respect of food".

The CTSA would have considerable powers with regard to the co-ordination of performance frameworks to secure minimum standards for Trading Standards.

Currently the Government envisages the CTSA having similar powers as the Food Standards Agency (FSA).

In line with Hampton's recommendations, the CTSA will co-ordinate all aspects of the work of the Trading Standards Service previously overseen by the dti (relating to fair trading, product safety and weights and measures). It is anticipated that the CTSA will co-operate with the proposed Animal Health Agency, HSE and the Food Standards Agency to ensure that they are 'joined up' in their dealings with Local Government's Trading Standards Service. The dti accept that there will have to be local discretion to allow Local Authorities to respond to local issues.

Hampton's recommendations did not address work commonly carried out by the Trading Standards Service, which falls to the remit of a number of other key Government departments, including the Home Office (underage drinking, doorstep crime) and the Department of Health (tobacco advertising). Their views will need to be considered along with those raised above if the CTSA is to achieve its objective of providing a single, prioritised list from Central Government for the Trading Standards Service.

Currently the information available does not give detailed information on either the structure of the CTSA (stand alone or within the OFT) or its precise remit and it is difficult to know the potential impact on local authority trading standards. However, support is given to the creation of an appropriate performance framework and the creation of minimum standards, which the CTSA should deliver.

The precise functions and therefore ability for the CTSA to deliver Hampton's recommendations are not known. The benefits of an enabling leadership body, as the Environment Agency is a national co-ordinating body for environmental crime issues, would have advantages to the Trading Standards service, businesses and consumers. However, the report raises concerns over the scope of the CTSA to deliver services and be involved with enforcement activity. Local accountability and responsiveness, combined with national standards will give the best service to both businesses and consumers.

Whilst the consultation period ends on 12th September 2005, the dti are aware that the City Council would not have the opportunity to comment until 1st November, 2005, and are willing to accept amendments and further views on the consultation.

RESOLVED that the Council be requested to:-

- (1) Note the key recommendations of the Hampton Review and potential impact on Trading Standards services.**
- (2) Examine the suggested response to the consultation and agree the final response to be returned to the dti.**

104. **Homelessness Strategy 2005-2010**

The Cabinet considered a report of the Director of Social Services and Housing on the Homelessness Strategy 2005-2010, produced in conjunction with the Homelessness Strategy Implementation Group after a wide-ranging

consultation process with partner agencies and other stakeholders in both the statutory and voluntary sectors. The Homelessness Strategy is required by the Homelessness Act 2002 and the first Strategy was produced in July 2003.

The broad aims outlined in the Homelessness Strategy 2005-2010 are:-

- To alleviate homelessness overall by development and delivery of a range of preventive options.
- Where homelessness cannot be prevented, to provide a range of accommodation and support as suitable for individual or household needs.
- To ensure that individual/households have support where necessary to maintain a tenancy.
- To ensure that all agencies work in partnership to deliver a joined-up, holistic service.
- To develop research and monitoring projects which will further develop the understanding of homelessness needs in Coventry.

The Strategy was appended to the report.

RESOLVED that, the Council be requested to approved the actions set out in the Homelessness Strategy.



Coventry City Council

5

Public report

Report to

Cabinet
Scrutiny Co-Ordinating Committee

20th September 2005
14th September 2005.

Report of

Director of City Development and Director of Social Services and Housing

Title

Strategic Partnering Agreement – Coventry Care Partnership Ltd

1 Purpose of the Report

- 1.1 This report seeks your authority to participate in the Strategic Partnering Agreement between Coventry Care Partnerships Ltd (the Coventry Lift Co) and the public authorities responsible for delivering health and social care services in the City (the Coventry Teaching Primary Care Trust and the Coventry and Warwickshire Ambulance Trust).

2 Recommendations

The Cabinet are asked to:

- 2.1 Authorise the Council entering the Strategic Partnering Agreement for the Coventry NHS LIFT project, subject to the Director of Legal and Democratic Services being satisfied as to the documentation.
- 2.2 Authorise the Chief Executive to be the Councils representative on the Strategic Partnering Board.

3 Information/Background

- 3.1 Nationally, the NHS LIFT initiative was launched in 2001 to deliver a step change in primary and social care by developing and supplying new and refurbished health and social care facilities, through a public private partnership procurement model. To date 42 Primary Care Trust areas have been awarded LIFT status. The LIFT model of procurement has also been adopted by the Department of Education and Skills as the delivery model for Building Schools for the Future, the programme to replace and refurbish all secondary schools in the Country. The National Audit Office have now published an interim report on the national LIFT initiative, a copy of which is available to Members on line at www.nao.org.uk.

- 3.2 Coventry was awarded LIFT status in 2002 and Cabinet have previously received reports on the Councils participation in a NHS LIFT company in Coventry (October 2002), the approval of its first Strategic Service Development Plan (October 2002), the allocation of sites to the LIFT project (February 2003) , confirmation of the preferred private sector partner to the project (September 2003),disposal of land at Bennets Road South (September 2003) and disposal of land at Russell Street (February 2004).
- 3.3 The Coventry LIFT Company was established in December 2004 and trades under the name of Coventry Care Partnerships Ltd (CCPLtd). Its shareholders are GB Consortium (a consortium of private organisations), Partnerships for Health (a public – private joint venture) the Coventry Teaching Primary Care Trust.
- 3.4 Coventry Care Partnerships role in respect of the local health and social care estate is to contribute to the formulation of local strategies and delivery plans, to provide innovative and efficient services and buildings(either new or refurbished existing premises) to meet local health and social care requirements through partnering, to ensure long term value for money through market testing and benchmarking and to maintain a high quality estate.
- 3.5 The occupants of any accommodation provided through LIFT(GPs,PCT,Dentists etc) enter into a separate Lease Plus agreement with CCPLtd . Through the Lease Plus agreement CCP ltd provide fully serviced and maintained accommodation during the term of the agreement (usually 25 years).
- 3.6 When Cabinet considered its participation in LIFT in 2002 it was recommended to participate in LIFT and engage at a level that approved the Strategic Service Development Plan, but short of becoming a participant in the Strategic Partnering Agreement because of the uncertainties of what this may involve. When Coventry Care Partnerships Ltd was established a Strategic Partnering Agreement was established at the same time between the company and the Primary Care and Ambulance Trusts, and a mechanism incorporated for other public bodies (like the Council) to participate in the Agreement.

4 Proposal and Other Option(s) to be Considered

- 4.1 It is proposed that the Council enter the Strategic Partnering Agreement.
- 4.2 The Council is working closely with the Primary Care Trust in a number of areas. It has created Partnership Boards and pooled revenue budgets for Children and Young People, Older People, Learning Disability and Mental Health. The creation of a Children's Trust will also bring closer working with Health.
- 4.3 The Council is also developing its policy framework around one stop shops and the co location of services with other agencies and the development of joint service centres. Other local authorities are using LIFT to deliver co located services (eg Burnley co-located sports centre and health centre; Leeds co located one stop shops and health centres; Newcastle co located health and welfare advice centres)
- 4.4 The Strategic Partnering Agreement is a 20 year framework agreement to deliver services and buildings in Coventry to meet health and social care requirements for the participants. It gives the public sector bodies the benefit of an obligation to deliver buildings and services and effective control over their delivery. It gives Coventry Care Partnerships exclusivity (in respect of health care buildings) to supply these buildings during the partnership period.

- 4.5 The Agreement is governed by a Strategic Partnership Board. The Partnership Board monitors the Strategic Partnering Agreement, approves the Annual Strategic Service Development Plan and identifies and initiates schemes and projects. The Partnership Board is made up one representative for each partner plus other stakeholders in the local health economy. Representation from the Primary Care and Ambulance Trusts is at Chief Executive level. It is proposed that the Chief Executive is nominated as the Council's representative. The Board has already been established and the Council represented in a shadow basis. It meets on a 3 monthly basis. To assist the Chief Executive in this role, an officer working group will be established to advise her on opportunities to progress joint initiatives and co-ordinate the Councils inputs to the process.
- 4.6 Decisions to proceed with a project (a stage 2 approval) are taken by the Board on a majority vote basis, after first identifying a project and including it in the Strategic Service Development Plan (planning stage) and secondly, following an outline feasibility approval describing the project, its participants and projected costs (stage 1 approval). Projects worked up to stage 1 level, are done so at the expense and risk of CCP Ltd and any party is able to withdraw without penalty at this stage. Where decisions involve procuring new projects (at stage 2 level), the vote is only amongst the public bodies on the Board, and a public body is only bound to expenditure if it votes in favour of a project and is a participant in it. The Council would not therefore be financially committed to a project unless it voted in favour of it at Board level (at stage 2 level) and the project involved the Council as a participant. Withdrawal after a stage 2 approval will incur abortive costs.
- 4.7 In view of this, and the fact that the Councils representative has the power to initiate expenditure and bind the Council , it is proposed that individual schemes can only be pursued to a stage 2 approval with a qualifying minute from an appropriate Cabinet/Cabinet Member meeting where the policy objectives and financial implications for the Council have been approved.
- 4.8 The Agreement is limited to Coventry as a geographical area and to the provision of health and social care buildings. If the Council decided to be part of an integrated project, accommodation would be provided as serviced accommodation with Coventry Care Partnerships being responsible for repair, maintenance and insurance on a lease plus basis during the term of the lease.
- 4.9 The Council have the discretion about whether to be involved in a project and whether it wanted to put land and or buildings into the financial equation. It would take these decisions on a case-by -case basis. It is suggested that a key decision is taken after consultation internally before a project is put forward at Board level.
- 4.10 Information provided between the parties in respect of cost and services are treated as confidential information.
- 4.11 The benefits of participating in the Strategic Partnering Agreement is
- Formalisation of the existing arrangements
 - An opportunity to ensure integration and consistency of approach to health and social care planning and service delivery in the City
 - Project procurement savings and cost benefits as CCP Ltd worked up feasibility studies at no cost to stage 1 approval level.
 - No obligation on the Council to participate in a project , but the opportunity to do so , and to keep in view the objectives of the other organisations
 - It may be the only practical way to do a joint scheme with the PCT.

- Gaining knowledge of a procurement model that will form the basis for other Central Government renewal initiatives
- The chance to negotiate the precise terms of the Council joining into the SPA , by the Deed of Accession mechanism.

4.12 Disadvantages

- The Council could continue as it presently is , i.e. a community stakeholder, but it would not allow it the opportunity of voting and driving the process. If the Council remains as it presently is , there is no obligation on the Partners to involve the Council in any decision making or long term strategy formulation.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		✓
Best Value	✓	
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations	✓	
Information and Communications Technology		✓
Legal Implications	✓	
Property Implications	✓	
Race Equality Scheme		✓
Risk Management	✓	
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 Best Value Implications

5.2.1 Value for money principles are enshrined in the Strategic Partnering Agreement. Coventry Care Partnerships need to demonstrate value for money by benchmarking all new projects and every five years market testing all of its suppliers.

5.3 Impact on Partner Organisations

5.3.1 Entering the Strategic Partnering Agreement would formalise the Council's role in strategic service planning in respect of the local health and social care economy.

5.4 Legal Implications

5.4.1 The Council have sought an independent legal opinion on the Strategic Partnering Agreement. This concludes that the advantages to the Council entering the Agreement, (as it allows the Council to request services from CC Ltd, but does not bind them to do so) outweighs the disadvantages (which are limited to remedies against the Council after it has positively decided to pursue a course of action and subsequently changes its mind). A copy of the opinion is available for inspection by Members in Legal and Democratic Services.

5.4.2 The Council's legal advisors will ensure that appropriate legal documentation is signed to protect the Council as adequately as possible. This will include a review of any warranties the council is required to give, the extent of the exclusivity granted, and the term of the agreement itself.

5.5 Property implications

5.5.1 There are no direct property implications from this report. However negotiations are being conducted with CCP Ltd in respect of Council land at Torrington Avenue for a replacement Learning Difficulties centre and joint management office. In addition the PCT have been involved in master planning at Stoke Aldermoor and Mosely to introduce health centres into these developments to improve local services.

5.6 Risk Management Implications

5.6.1 The principle risk management implications involve committing to expenditure to project without necessary formal approval. The proposals in para 4.5 above seek to regulate this risk. By not participating in the Strategic Partnering Agreement now the Council will miss the opportunity to participate in projects to co locate.

6 Monitoring

6.1 The Council's involvement in the Strategic Partnering Board will be subject to an annual report to the Cabinet Member with Health responsibility.

7 Timescale and expected outcomes

7.1 Subject to approval, and the legal documentation being in place, the Council would expect to sign accession to the Strategic Partnering Agreement within 3 months.

	Yes	No
Key Decision	√	

Scrutiny Consideration (if yes, which Scrutiny meeting and date)	14th September 2005	
Council Consideration (if yes, date of Council meeting)		✓

List of background papers

Proper officer: John McGuigan Director of City Development

Author: Nigel Clews Head of Property Assets Telephone 76832708

(Any enquiries should be directed to the above)

Other contributors:

Insert Name, Post Title, Department and Telephone Extension of

Christine Goodwin . Legal and Democratic Services Ext

David Cadman, CDD Finance Ext

John Venn CDD HR Ext

Paul Adams CDD

Derek Sleigh SSD & H

John Daly DFICT

Management Board

Any Other Employees who clear report

Papers open to Public Inspection

Description of paper

Location

1 Purpose of the Report

To inform Members of the responses to consultation on the Review of Organisational Structure 2005 previously reported to Cabinet on 7 June 2005 and to make final proposals.

2 Recommendations

2.1 The Cabinet are asked to agree the proposals to:

- a) **Create a Community Services Directorate containing the existing services units relating to Adult Services, Older People's Services and Housing Strategy, and the newly configured service of Culture, Leisure and Libraries, as set out in Appendix A.**
- b) **Focus a number of efficiency and effectiveness, performance, scrutiny, research, information and consultation and forward planning functions in the Chief Executive's Directorate as set out in Appendix B.**
- c) **To ensure the organisational arrangements for Scrutiny reflect Scrutiny Board Chair I leadership and member agenda setting as set out in paragraph 5.1.**
- d) **To delegate to the Chief Executive in consultation with relevant Cabinet Members the detailed arrangements for the changes.**

3 Information/Background

3.1 The report to Cabinet of 7 June 2005, set out a series of proposals as a consequence of reviewing the Organisational Structure with a closing date for consultation of 29 July and undertaking to report back to Members with final recommendations in September 2005. The terms of reference for the review were to:

- a) Review the organisational structure of the City Council in the light of the Children Act 2004 known as "Every Child Matters" and the 2005 Green Paper "Independence, well-being and Choice"
- b) Ensure that the Council is equipped for the next phase of its development 2005 – 2008 including the drive for greater value for money and providing quality essential services
- c) Avoid destabilising relatively new Directorate unnecessarily
- d) Consider the balance between senior management capacity, achieving value for money and delivering services to the public
- e) Consider both the value for money of the structure and any costs of transition between the existing and new structures

3.2 The June report set out the context of the Council's vision for the city, its corporate objectives and value. It reinforced the point that the Council wants to be an organisation which:

- Delivers quality essential services and has that at the front of its mind all the time
- Is focused on what people living in local neighbourhoods across the city want, reflecting local choices and city wide standards
- Has a culture which focuses on supporting the opportunity for everyone in the city to live as independently as possible
- Tries to treat its employees fairly while demanding high standards of service to the city

- Has a strong ethos of customer care.

3.3 After the Cabinet Report of 7 June, the report was circulated to all staff and to some partners, with a later circulation to other partners. In total, ten responses have been received to date. These include team responses from the Social Services and Housing Management Team, the Culture and Leisure Team and the Scrutiny Co-ordination Team. There have been briefings of all the political groups. There has been some informal feedback from some leisure and culture partners in meetings.

4 Summary of Consultation Responses

4.1 There has been no opposition in the consultation to the general principle of setting up a Community Services Directorate, or to regrouping the Council's research, forward planning, scrutiny, performance and efficiency/value for money functions in the Chief Executive's Directorate. Comments have in general focused on specific functional issues. The overall proposed structure therefore remains as in the June report (see Appendix A) except that is not now proposed to move Community Safety to Neighbourhood Management at this stage.

4.2 Council Employee and Member Responses

4.2.1 Culture and Leisure Management Team

In summary, the Culture and Leisure Management Team

- Welcomed the opportunity to move, with colleagues from Libraries and Adult Education, into Community Services. They saw this as a positive change which would help to strengthen all the functions involved and give a clear focus on tackling the range of community needs through culture and leisure. The Team specifically referred to the reference in the new Comprehensive Performance Assessment framework to the Culture block and its linking with social and economic outcomes.
- The Team did however want to acknowledge the benefits of the links they had developed while in City Development Directorate, and want to ensure they maintain good links with City Development Directorate. Equally they see the potential of links with other services e.g. health, customer services, libraries etc
- The team identified the importance of work with leisure partners and made reference to the importance of working with Trust arrangements in relation to service delivery.
- Detailed comments were made on the proposed structure with the observation that the new Head of Culture and Leisure should perhaps have the opportunity to look at this before finalising anything.

4.2.2 The Culture and Leisure Finance Team commented separately and sought reassurance about impact on jobs in any transition process.

4.2.3 Scrutiny

Comments were received both from the Scrutiny Co-ordination Group and in meetings with the Chair of Scrutiny Co-ordination Board

4.2.4 The Scrutiny Co-ordination Group support the proposal to move into the Chief Executive's Directorate, believing that it would "make clearer and enhance Scrutiny's role in policy development and performance management..." amongst other advantages. The Group's preference would be for them to be integrated into the corporate performance team,

although they clearly identify that their main role would be to continue to support Councillors.

4.2.5 The Chief Executive is going to Scrutiny Co-ordination Committee with this report on 14 September and will report back the view of that Committee.

4.2.6 **Social Service and Housing Senior Management Team**

The team made four main points

- The importance of recognising within planning for the Directorate, the possibility a Health Care Community Trust between the Coventry PCT and the Council. They make the point that currently discussions are taking place about much closer joint planning and commissioning arrangements. In the longer term structures may take a different form with more integrated services and governance
- The Team advocate transferring the Health Development Unit from its current location in City Services to the new Community Services Directorate. They take the view that "Health promotion is critical to much of the underlying values of the new Directorate both for adults and older people services but also for our role in sport and leisure" They believe that currently the work of the Health Promotion Unit is not closely enough linked in to work on National Service. Frameworks in the Health and Social Care frameworks of the Local Area Agreement, and that there would be merit in having a single Directorate leading on Health issues.
- The Team would like to see the report more strongly promoting a vision for the organisation of the Community Services Directorate being advocates for older people, people with mental ill health or disabilities, in a much broader context than social care. This would include driving the improvement of quality of life for these groups through transport, community safety, access to leisure etc.
- The Team raised the issue of co-ordination of work of pensions and benefits across the Council and the need for a clear lead on this across the Council which would come from this Directorate.

4.2.7 **Comments from a range of individuals**

Community Safety

A view has been expressed that Community Safety should not be transferred from Corporate Policy to Neighbourhood Management on the basis of the role Corporate Policy has in driving forward strategic policy change across the Council and the headway this has enabled Community Safety to make on issues of the Crime and Disorder Act which requires all public services to take into consideration community safety issues in their policy making and service delivery

Customer and Business Services

There is support from Customer and Business Services to the proposal to transfer the Programme Office into Corporate Policy, and the importance of making links between the service redesign process currently being put into place and the work if the corporate efficiency/value for money unit.

Trees

The point has been made by the Council's Arboricultural Officer that although a previous organisational review had expressed the intention of writing all the Council's tree service in one place, this has not yet taken place and needs to be fully implemented as soon as possible.

4.2.8 Partner Responses

Coventry Partnership Secretariat

The views expressed by the secretariat largely relate to the proposals for the Corporate Policy Unit, supporting the links between Forward Planning through the transfer of the Programme Office, performance monitoring and improvement. Specifically they have focused on the need to consolidate the good work which has begun to take place in linking research, data collection and evaluation undertaken by partners in the way in which co-ordinated research, information and consultation is co-ordinated from the Corporate Policy Unit. Key issues mentioned were customer surveys and consultation service evaluation, the data sharing partnership, best practice research and project performance monitoring.

They brought out, in particular, the need for all partners, including the Council, to be able to demonstrate the impact of their work, and the importance of making stronger links between the Performance, Impact and Evaluation (PIE) group of the Partnership and for the links between the LAA, LSP, NDC and Neighbourhood Renewal to be reinforced. This work is already underway.

CV1

The Board of CV1 have expressed the strong view that the Culture and Leisure service should not be moved out of the City Development Directorate into the Community Services Directorate but should remain in CDD. The Board see Culture and Leisure as being a driver of economic development and regeneration and see the service remaining with City Development as vital if "we are to achieve our shared ambition to create a vibrant, dynamic and growing city which is to attract more people to visit, work and live here". Some other, but not all, Leisure partners have expressed similar reservations about the proposed move.

5 Key Issues

5.1 Proposed Changes Following Consultation

Following careful consideration of the consultation responses, the following changes are proposed to the report which were put forward in June. These are:

- **Community Safety** – it is not now proposed to move Community Safety to Neighbourhood Management at this stage. Neighbourhood Management is just as much a cross-Council strategic service as Corporate Policy (although obviously with more operational links). However, given that the service and related strategies will need significant input and bedding down, it is proposed not to move Community Safety from Corporate Policy at this stage.
- **Scrutiny Group** – although it is still proposed to transfer the Scrutiny Group from Legal and Democratic Services into the Corporate Policy Unit in the Chief Executive's Directorate, it is proposed that the Scrutiny function should be clearly identified within the Corporate Policy function as a specific service, in order to underline its important relationship to Elected Members through Scrutiny. It will

operate directly under the management supervision of the Head of Corporate Policy but linking in closely with the Chairs of Scrutiny Co-ordination Committee and the Scrutiny Board.

This is illustrated at Appendix B which is a revised structure from the one presented in the June Report. This modification will not prevent the maximisation of links with the planning and management of performance review and performance review across the Council as was the original intention of the proposals.

5.2 Key Points Where No Changes are Proposed

- **Culture, Leisure and Libraries**

Views expressed in consultation about the transfer of Libraries, Culture and Leisure have been mixed. The staff of the Culture and Leisure function have been all in favour. No responses have been received from Libraries staff. However, some partners including CV1 have made clear their views that they would prefer the Culture and Leisure function to stay with CDD. There are arguments to be made either way. At this time in the development of the Council's structure and services it is important that Culture, Leisure and Libraries services are part of the Council's overall vision not only for regeneration, but also for the kinds of services delivered daily to adults and families in Coventry, which contribute to everyone's quality of life. For that reason I do not propose to alter the proposal to bring Culture, Leisure and Libraries together in the new Community Services Directorate while making every effort to demonstrate to CV1 and other partners that we can allay their concerns about the move from CDD.

- **Health Development Unit/Health Promotion**

It is not proposed to move the Health Development Unit into the Directorate of Community Services at this stage. There is no doubt that links do need to be strengthened between that unit and the elements of the Community Services Directorate which relate to Health and Social Care. However, there are also good reasons for the Health Inequalities function to be linked with Environmental Health who have a very positive tradition of dealing with Health Inequalities issues. It is proposed that there is more dialogue about the links which need to be made and about whether any changes need to be made structurally, but that no change is made at this time. There are already significant changes to be accommodated in the structurally repositioning of Culture, Leisure and Libraries into Community Services.

6 Proposal and Other Option(s) to be Considered

6.1 The Cabinet are asked to agree the proposals to:

- a) Create a Community Services Directorate containing the existing services units relating to Adult Services, Older People's Services and Housing Strategy, and the newly configured service of Culture, Leisure and Libraries, as set out in Appendix A..
- b) Focus a number of efficiency and effectiveness, performance, scrutiny, research, information and consultation and forward planning functions in the Chief Executive's Directorate as set out in Appendix B.

- c) To ensure the organisational arrangements for Scrutiny reflect Scrutiny Board Chair leadership and member agenda setting as set out in paragraph 5.1.
- d) To delegate to the Chief Executive in consultation with relevant Cabinet Members the detailed arrangements for the changes.

7 Other specific implications

7.1 Area Co-ordination

Proposals for the new Children and Young People's and Community Services structures are being developed to ensure that they encompass the proposed approach to Neighbourhood Management. Structures will facilitate getting a better focus on services of all kinds at a neighbourhood level. One of the key emphases in both the city's Community Plan, and the objectives for Children and Young People and Adults is on ensuring supportive communities and neighbourhoods, and focusing not just Area Co-ordination and/or Neighbourhood Management on this goal, but the rest of the Council's and partners' services.

7.2 Best Value, Comparable Benchmark Data, Finance

All the proposals being put forward are being assessed in relation to value for money, costs and how then compare to other urban areas. All "principal authorities" ie those which deliver similar services are having to make these changes so it is possible to make some comparison to other approaches. In terms of finance, there are still significant issues to be worked through with both Department for Education and Skills and Department of Health on funding for both Adults and Children and Young People's Services.

7.3 Children and Young People, Coventry Community Plan, Crime and Disorder, Impact on Partner Organisations

The existing Coventry Partnership (the Local Strategic Partnership), Children and Young People's Strategic Partnership, and Community Safety Partnership are all linked together and there is representation and involvement in developing these proposals. There are also the Older People's Mental Health Board and Learning Disability and Physical Disability Partnership Boards which have a direct link to the development of the Community Services Directorate. These proposals will have a very direct impact on partner organisations. The Organisational Review paper discusses the possible implications of the development of a Children's Trust and a Health and Social Care Trust.

7.4 Corporate Parenting

The objectives of both the Children and Young People's Directorate and the Community Services Directorate will be to support the Council's corporate parenting of looked after children in the city.

7.5 Equal Opportunities

The proposals are designed to help promote equal opportunities for everyone in the city by people being able to achieve their fullest potential. It will also be essential that we ensure proper equal opportunities for staff in implementation of these proposals.

7.6 Health and Safety, Human Resources, Human Rights Act, Information and Communications Technology, Legal Implications, Property Implications

All the above issues will need to be taken into consideration as the authority works with its partners to achieve new council structures including potential changes to location of staff to achieve the joint teams and co-working which will be required in the new environment. We will however be seeking to achieve this in a steady, well-managed way, with full involvement of and in consultation with staff and Trade Unions.

Transition to the new structures will be done in accordance with the council's normal change management processes and the Council's Security of Employment Agreement.

7.7 Race Equality Scheme

The policies and structures being put in place will all need to have a Race Equality Impact Assessment. The Council has a successful model for doing this and will be applying this to detailed proposals as they are developed.

7.8 Risk Management

All major service changes entail risk as staff groups have concerns about their future. It is very important that a clear focus is maintained on delivery of existing services while these changes take place, with clear accountabilities at every level. We will be monitoring this closely as we progress.

7.9 Sustainable Development

Proposals will need to accommodate the goals of sustainable development both in terms of logistical decisions made and in terms of promotion of sustainability goals to the public at large and children in particular.

7.10 Trade Union Consultation

This has been referred to earlier in the report. There will be full Trade Union consultation through this process.

7.11 Voluntary Sector – The Coventry Compact

The Coventry Compact is the agreement we have with the voluntary sector about how we conduct relations with them and work with them on a day to day basis. The voluntary sector have a major role to play on both Children and Young People's Services and Community Services and members of the voluntary sector are fully involved in the various associated partnership structures.

	Implications (See below)	No Implications
Area Co-ordination	✓	
Best Value	✓	
Children and Young People	✓	
Comparable Benchmark Data	✓	
Corporate Parenting	✓	

	Implications (See below)	No Implications
Coventry Community Plan	✓	
Crime and Disorder	✓	
Equal Opportunities	✓	
Finance	✓	
Health and Safety	✓	
Human Resources	✓	
Human Rights Act	✓	
Impact on Partner Organisations	✓	
Information and Communications Technology	✓	
Legal Implications	✓	
Property Implications	✓	
Race Equality Scheme	✓	
Risk Management	✓	
Sustainable Development	✓	
Trade Union Consultation	✓	
Voluntary Sector – The Coventry Compact	✓	

8 Monitoring

- 8.1 The Chief Executive and Director of Community Services will be responsible for implementing the proposed changes successfully.

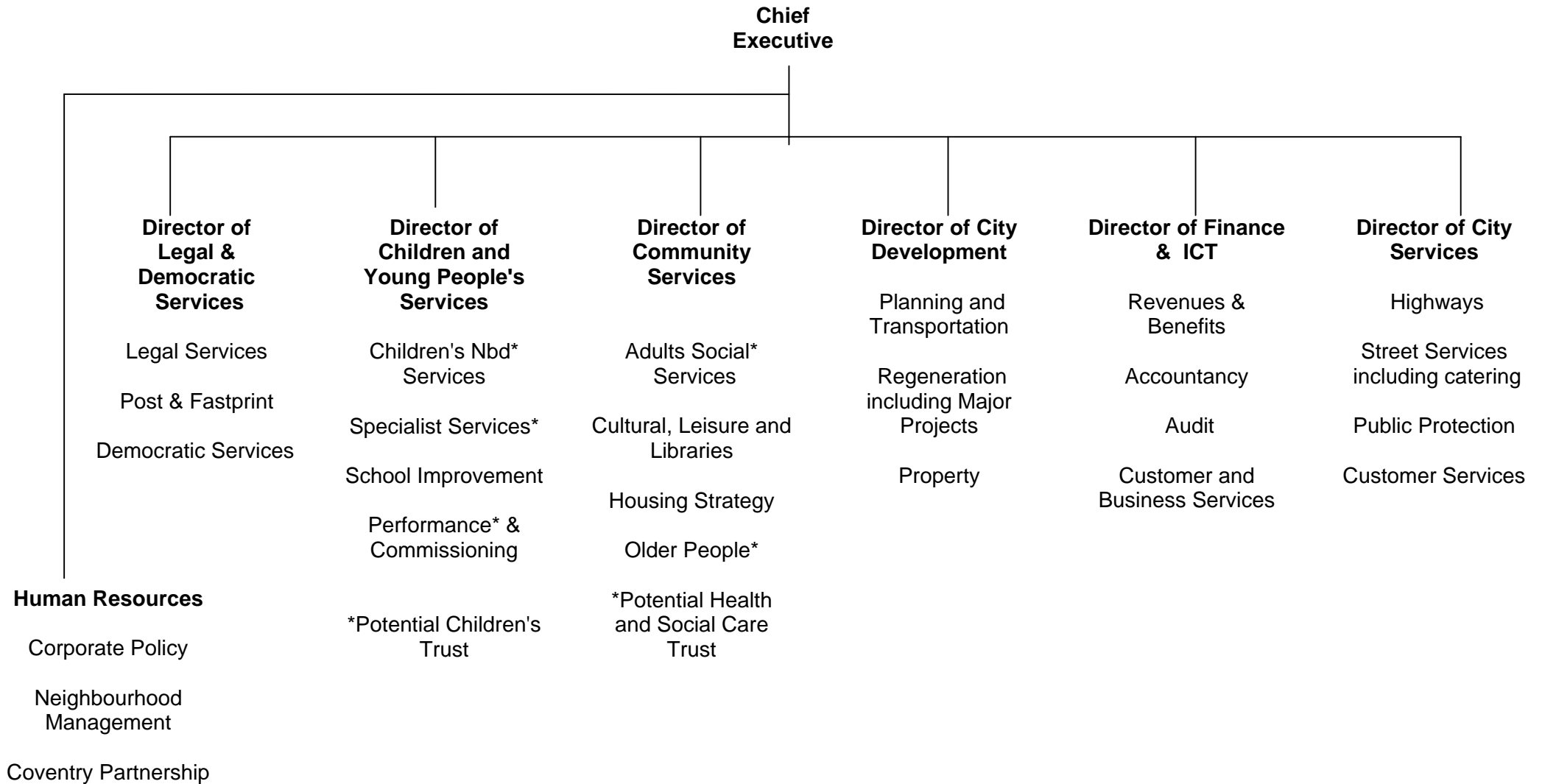
9 Timescale and expected outcomes

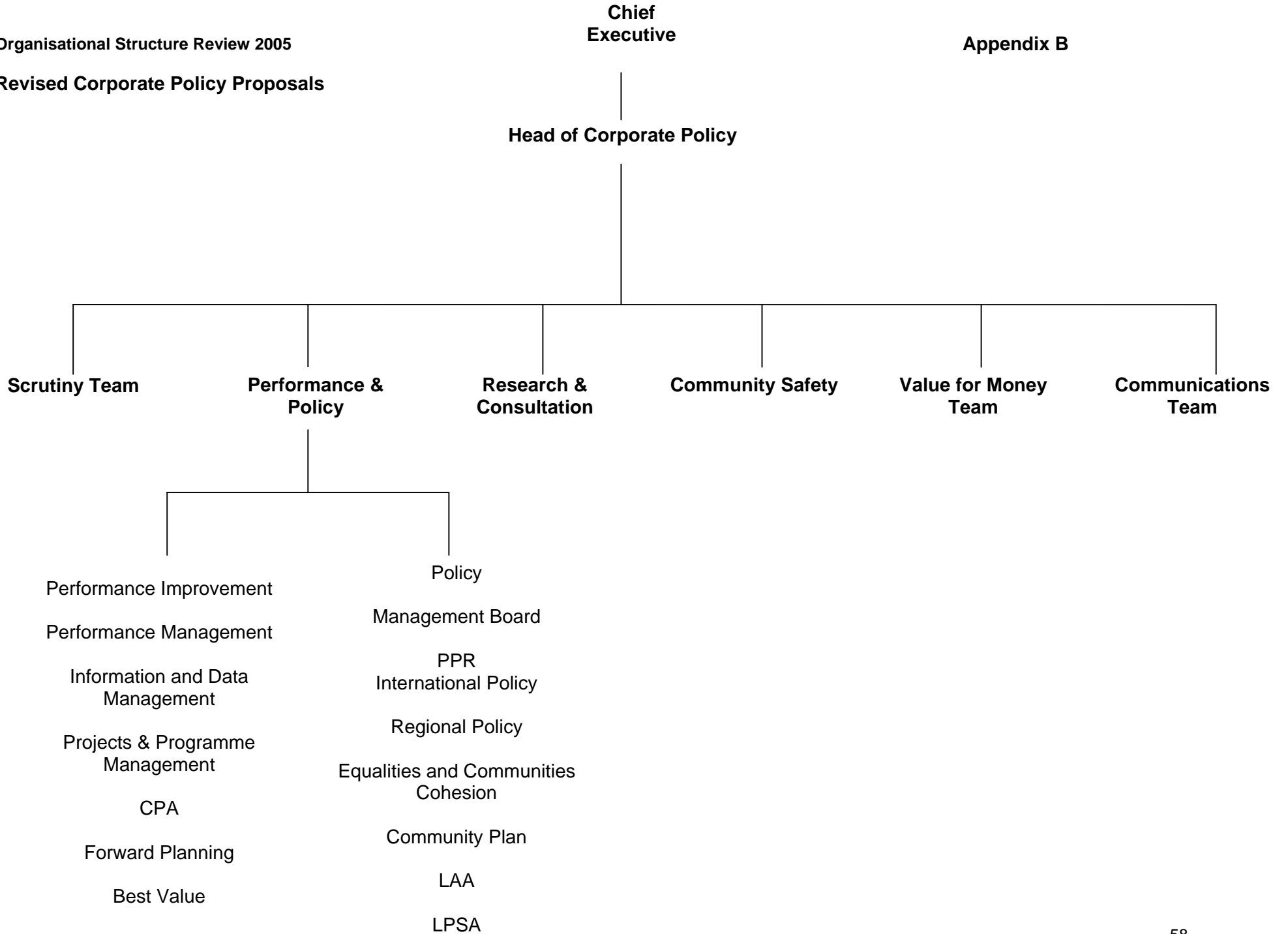
- 9.1 Timescales will be finalised shortly but likely implementation will be the transfer of Culture and Leisure to the line management of the Director of Community Services (if appointed) from the 1 October when the new Head of Culture, Leisure and Libraries takes up her position. It is proposed that the full launch of the Directorate, including the addition of Libraries will take place at a later date in line with developments currently being discussed for the Children, Learning and Young People's Directorate.

	Yes	No
Key Decision		
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	✓ 14 September 2005	
Council Consideration		

PROPOSED COUNCIL DIRECTORATE STRUCTURE – SEPTEMBER 2005
(No change from June Report)

Appendix A







Report to

Scrutiny Co-ordinating Committee
Cabinet
Council

14th September 2005

20th September 2005

1st November 2005

Report of

Director of City Services

Title

Response to the Hampton Review and the Creation of the Consumer and Trading Standards Agency (CTSA)

1 Purpose of the Report

- 1.1 The purpose of this report is to provide Elected Members with the background to the Hampton Review, its aims and key recommendations. Also, for Elected Members to consider the CTSA, and its potential impact on the local authority Trading Standards service. The report also provides responses to the consultation on the proposed CTSA to the Department of Trade and Industry (dti).
- 1.2 The CTSA would have a number of functions and powers in order to help to achieve the Hampton Reviews key aims, specifically of reducing the burden on businesses, and co-ordinating regulatory activities. This report has listed those likely to have the most impact on Trading Standards Services within Local Authorities. The consultation document is concerned with authority perceptions of both the CTSA's proposed powers and function, but also its structure, set up and relationship to Local Authorities and Government Agencies.
- 1.3 Responses to the Department of Trade and Industry (dti) consultation document are attached as Appendix A of this report.

2 Recommendation

- 2.1 In order to facilitate wider Member consideration, Scrutiny Co-ordination Committee are asked to consider this report and to convey their comments as appropriate to Cabinet.
- 2.2 Having appropriately considered the comments made by Scrutiny Co-ordination Committee, Cabinet is requested to recommend to Council that it;
 - Notes the key recommendations of the Hampton Review and potential impact on Trading Standards Services.
 - Examines the suggested responses to the consultation and agrees the final response to be returned to the dti.

3 Information/Background

- 3.1 In the Budget 2004, the Chancellor asked Phillip Hampton to identify ways in which the administrative burden of regulation on businesses could be reduced, while maintaining or improving regulatory outcomes. The final report – "Reducing Administrative Burdens: effective inspection and enforcement" provided 35 recommendations for meeting this goal.
- 3.2 The reviews scope included; the Environment Agency, HSC/E, Financial Services Authority, Rural Payments Agency, Food Standards Agency, English Heritage, Maritime and Coastguard Agency, VOSA, Driving Standards Agency, State Veterinary Service, Environmental Health and Trading Standards.
- 3.3 Recommendations can be split into 5 broad categories; improvements to risk assessment, improvements to advice, reductions in form filling, improvements to the penalty regime and changes to the regulatory structure, with consolidation of some national regulators and the creation of Consumer and Trading Standards Agency.
- 3.3.1 Improvements to Risk Assessment; the report suggested that an effective system and use of risk assessment would ensure regulators take proper account of the nature of businesses, leading to a reduction in the requirement and number of inspections.
- 3.3.2 Improvements to Advice; the report identified the need for proper advice, with benefits ranging from reducing the time taken for businesses to comprehend the regulations, to increasing the probability of compliance.
- 3.3.3 Reductions in form filling; the report suggests addressing the amount of forms regulators pass to businesses and the time taken to fill in forms. Businesses, especially smaller ones, spend too much time and resources on form filling.
- 3.3.4 Improvements to the Penalty Regime; the report provided recommendations with the view to ensuring businesses and regulators have an interest in proper sanctions against illegal activity, in order to prevent businesses operating outside the law to gain competitive advantage.
- 3.3.5 Changes to the Regulatory Structure; the report recommends changes to the complicated regulatory structure, with the consolidation of some national regulators into groups with principle themes;
- Consumer Protection and Trading Standards
 - Health and Safety
 - Food Standards
 - Environmental Protection
 - Rural and Countryside Issues
 - Agriculture Inspection; and
 - Animal Health.

The report also recommends the creation of the CTSA.

- 3.4 There may be further implications for other services across the City Council of the consolidation of national regulators. However, at this time, the specific implementation timetable of the recommendations, or their specific remit is not known.

4 Creation of the CTSA

- 4.1 The report recommends the creation of the CTSA on the following grounds;
" In the area of Consumer Protection and Trading Standards, there is a multiplicity of local providers, and some major national interests, but no clear co-ordinating body. The lack of strategic focus on trading standards, outlined in the analysis of local authority performance, is partly attributable to this, as is the lack of joining up on issues such as the provision of generic advice to businesses and the general public. While there have been considerable advances in coordination in this area, led by the dti and the Local Authorities Coordinators of Regulatory Services (LACORS), the review believes that coordination can go much further." (The Hampton Review, p64, 4.47 - Final Report).
- 4.2 The review proposes the role of the CTSA to be as follows;
"The review recommends that a new body should be created at the centre of Government, to coordinate work on Consumer Protection and Trading Standards. This body would have the lead policy responsibility for Trading Standards nationally. It would have the responsibility of overseeing the work of local authorities on Trading Standards issue, as the Food Standards Agency does in respect of food." (The Hampton Review, p64, 4.48– Final Report).
- 4.3 The review sees two possible structures for the new body, either a wholly new body could be created, or it could be based within the existing Office of Fair Trading. However, the review recommends further consultation (with authorities, consumer groups and the Office of Fair Trading) before a decision is made on the exact structure of the organisation.
- 4.4 A key believe of the review is that a lack of guidance and support from central government is responsible for inefficiencies in the current provision, and the burden of regulatory activity on businesses; "The review...also believes that a more strategic central role on trading standards will improve the quality of regulation and of risk assessment at local level." (4.64, p67).
- 4.5 Comparisons are also made with the Consumer Direct service, and the regional approach to consumer advice "...the review believes there is the case for greater central funding for advice services, as has happened (in consumer advice) with the dti's Consumer Direct programme."(2.62, p36).

Powers of the CTSA

- 4.6 The CTSA would have considerable powers with regard to the coordination of performance frameworks to secure minimum standards for Trading Standards.
- 4.7 Currently the government envisages the CTSA having similar powers as the Food Standards Agency (FSA). The relevant powers of the FSA are;
- Require information from Local Authorities and publish the information
 - Set standards either generally for Local Authorities or for particular Local Authorities (enforcement issues)
 - Make a report to an authority relating to their performance including guidance on how to improve
 - Direct an authority to publish a report as indicated above and respond as to what action has been taken to improve
 - Inspect records and take samples of documents if applicable
 - Take over enforcement in a Local Authority if it believes that the Authority is failing in its duty. (This will only be for area's of legislation in which the CTSA has an interest.

- 4.8 In line with Hampton's recommendations, the CTSA will coordinate all aspects of the work of the Trading Standards Service previously overseen by the dti (relating to fair trading, product safety and weights and measures). It is anticipated that the CTSA will co-operate with the proposed Animal Health Agency, HSE and the Food Standards Agency to ensure that they are 'joined up' in their dealings with Local Government's Trading Standards Service. The dti accept that there will have to be local discretion to allow Local Authorities to respond to local issues.
- 4.9 Hampton's recommendations did not address work commonly carried out by the Trading Standards Service, which falls to the remit of a number of other key government Departments including the Home Office (underage drinking, doorstep crime) and the Department of Health (tobacco advertising). Their views will need to be considered along with those raised in 4.8 above if the CTSA is to achieve its' objective of providing a single, prioritised list from Central Government for the Trading Standards Service.

5 Potential Impact on Trading Standards Services

- 5.1 Currently the information available does not give detailed information on either the structure of the CTSA (stand alone or within the OFT) or it's precise remit. Therefore it is difficult to know the potential impact on local authority Trading Standards, however, we are generally supportive of the creation of an appropriate performance framework and the creation of minimum standards, which the CTSA should deliver.
- 5.2 If the function of the CTSA will be to provide leadership and coordinate and prioritise the work of Trading Standards, we would need to assured that there will be a close working relationship between other government departments and agencies whose work falls outside of the remit of the CTSA, in order to ensure that bureaucratic burdens in terms of priorities and reporting arrangements are not passed to Local Authorities.
- 5.3 There would need to be close working relationships between the CTSA and local authorities. An appropriate performance framework and setting of minimum standards would rely upon input from Local Authorities. Also, if the CTSA were to become involved in enforcement of activities, close attention would have to be paid to the interface between the CTSA and the consumer in order to ensure consumer participation, local accountability and responsiveness is not lost.
- 5.4 The reference to the agencies ability to intervene and take over local authority functions raises some cause for concern. Clear guidance about how this would be operated would need to be put in place. This would need to include evidence of the local authorities total failure and not merely a preference for other methods of working. There would also need to be clarity regarding how the CTSA would interface with consumers if it were to intervene and take over functions.
- 5.5 Further clarity is necessary with regard to the CTSA and the Home Authority principle. Currently, we feel option 3 would be best at achieving increased consistency. However, we feel that this option, that the CTSA would undertake the same role as carried out by Home Authority could create a two tier inspection regime, due to the CTSA not having the remit for all an authorities enforcement powers and increase the inspection burden on businesses. It would also be very difficult for the CTSA to ensure the consistency of all inspectors. Crucially though, the proposal again reduces local accountability and limits the access and potential redress of consumers.

5.6 The precise functions and therefore ability for the CTSA to deliver Hampton's recommendations are not known. The benefits of an enabling leadership body, as the Environment Agency is a national co-ordinating body for environmental crime issues, would have advantages to the Trading Standards service, businesses and consumers. However, the report raises concerns over the scope of the CTSA to deliver services and be involved with enforcement activity. Local accountability and responsiveness, combined with national standards will give the best service to both businesses and consumers.

6 Proposal and Other Option(s) to be Considered

6.1 Cabinet should note that the response may be published by the dti.

7 Other specific implications

7.1

	Implications (See below)	No Implications
Area Co-ordination		✓
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data	✓	
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder	✓	
Equal Opportunities		✓
Finance	✓	
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations	✓	
Information and Communications Technology		✓
Legal Implications	✓	✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

The creation of the CTSA could potentially have the following implications;

7.2 **Comparable Benchmark Data**

Part of the proposed remit of the CTSA would be the implementation of a performance framework and minimum standards for Trading Standards services. This would lead to increased benchmarking ability between authorities.

7.3 **Crime and Disorder**

The creation of the CTSA could have a positive impact on enforcement, specifically with regard to its role as distributor of recovered assets; also any work to improve the penalty regime would be welcomed. However, it is not yet clear how the CTSA would exercise this role, especially with regard to a new incentive scheme operated by Trading Standards officers 06/07 which is unrelated to the CTSA, and it is difficult to speculate on its impact on trading standards at this time.

7.4 **Finance**

Again it is difficult to speculate on financial implications until the role and exact functions of the CTSA are specified. However, there is the potential for the CTSA to impact on the amount of resources necessary within the Trading Standards.

7.5 **Impact on Partner Organisations**

In effect, the CTSA will add another tier to the regulatory system, and could impact on the work of LACORS and potentially the Central England Trading Standards Authorities Partnership (CEnTSA), possibly, to further consolidate their role. The CTSA will also impact on organisations like Citizens Advice, it is hoped this will be a positive impact and give Citizens Advice and others a louder voice.

7.6 **Legal Implications**

If the CTSA did assume a service delivery role, especially with regard to enforcement there are possible legal implications as local authority Trading Standards could potentially lose inspection and enforcement powers.

8 **Timescale and expected outcomes**

- 8.1 The consultation period ends on the 12th October 2005. However, dti are aware that due to the political process Elected Members will not have had opportunity to comment on the consultation until 1st November 2005 and are willing to except amendments and further views on the consultation.

List of background papers

Proper officer: Head of Public Protection

Author: Stephanie Ford, Policy and Development Officer. Telephone 024 7683 2631
(Any enquiries should be directed to the above)

Other contributors:

Clive Townend (Head of Trading Standards)

Mick Green (Head of Public Protection)

David Burke (Trading Standards Manager)

Marion O'Brien (Head of HR, City Services)

Elaine Tierney (Group Accountant, City Services)

Vicki Buckley (Principle Lawyer Legal and Democratic Services)

Papers open to Public Inspection

Reducing Administrative Burdens: effective inspection and enforcement. March 2005. Philip Hampton.

Reducing Administrative Burdens: the Consumer and Trading Standards Agency. Consultation Document. 05 July 2005. dti

Appendix A

Consultation response to the questions issues in the dti consultation "Reducing Administrative Burdens – the Consumer and Trading Standards Agency (CTSA)"

Chapter 3 - Powers of the CTSA

1. Do you think the powers listed in paragraph 39 are the right powers to carry out effective performance framework co-ordination? Are any of the powers unnecessary?

We recognise that powers listed are necessary in order to develop a more flexible and effective performance framework co-ordination at local, regional and national level. We also recognise that variations in service quality do exist, and that an appropriate performance framework could address this. We would hope that this would entail raising of standards, the strengthening of local Trading Standards Service and stronger local accountability, rather than weakening local participation and accountability and, consequently, service standards.

An effective performance framework and introduction of minimum standards should enable improved consistency and should offer benefits to both business and consumers. Such a framework and development of minimum standards should be developed in conjunction with local authorities, LACORS and the LGA. A partnership approach to the setting of minimum standards should ensure that the local authorities are not increasingly burdened with bureaucracy due to such a measure, and have clear guidelines as to their role in relation to enforcement and advice.

With regard to the final power; "(to) take over enforcement in a Local Authority area if it believes that the Local Authority is failing in it's duty", whilst the authority accepts that in exceptional circumstances this may sometimes be necessary, we would wish to have further clarification of what "failing" would entail, the process of deciding a failing authority, who would be responsible (and the possibility of peer review) and what would be grounds for appeal/regaining control of enforcement activity. We would expect such information would clarify that such powers would only be used sparingly. Also, if such an incidence was to occur, what would be the impact or interface with consumers and the CTSA, and how would this impact on local accountability?

2. Do you think the application of these powers will be sufficient to achieve the efficiencies/ reduction in burdens on business envisaged by Hampton? Do you think they will increase burdens on Local Authorities? If yes, please provide supporting evidence.

There would need to be further clarification on the role of the CTSA with regard to delivering the reduction in burdens on business and delivering efficiency before detailed comment. However, as stated above, the introduction of minimum standards would improve consistency.

There are certain key areas of Trading Standards work that do not fall under the remit of the CTSA, i.e. under age sales, community safety and tobacco advertising, which currently fall under the remit of other central government departments. Also, there are differences with the remits of different types of authorities, for example, metropolitan authorities are not responsible for petroleum licensing and explosive storage and licensing, this falls to the Fire Authorities, therefore the CTSA would have no power over this in certain authorities.

There would need to be coordination of priorities and reporting arrangements between the CTSA and the Home Office for example, in order to reduce demands placed on Local Authorities and facilitate improvements to delivery. There would also need to be room within such a framework for the prioritisation of local issues within authorities, otherwise we would be very concerned at a reduction in participation and local accountability, which would negatively impact on the service.

In the short term, with regard to requirements for information and the establishment of standards, there will be an increased bureaucratic burden on Local Authorities. The failure of government agencies to co-ordinate priorities and demands on local authorities would increase this burden.

- 3. If you do not think the proposed CTSA powers are sufficient, what additional or alternative role/ powers can be given to allow the CTSA to effectively co-ordinate the performance framework?**

This question is not applicable.

- 4. Do you think this is the right approach for the CTSA to take in using its powers? If not, what would be better?**

We envisage the CTSA employing the power to take over enforcement duties in an area only as a last resort. The new agency should seek to work with and through local authorities at local and regional level, through local government and trading standards groups, in the first instance to address emergent issues and problems.

Priority Setting for the Trading Standards Service

5. Do you think this is the best process for identifying Central Government priorities for the Trading Standards Service?

This issue requires further clarification, as at this time, the coordination between central government departments and the CTSA in setting priorities and demands on local authorities is not known, and we are concerned that the process does not allow sufficient ownership to local authorities, and local people.

Consistency of Inspection and Enforcement

6. Can you suggest a definition for the type of business that the CTSA might cover for Home Authority work? What criteria could be used to assess whether a business falls within the definition?

There is a necessity for a definition and clarity about what is being implied. The practical, financial and accountability implications of the CTSA adopting an enforcement approach to "national" businesses raises concerns.

7. Do you agree that Option 3 would be the most effective in achieving the increased consistency the Government is trying to achieve?

8. Do you agree that Option 3 would be the most effective in achieving the efficiencies for business proposed by Hampton?

9. Do you think there are better options not identified here for improving consistency of enforcement by the Trading Standards Service?

Combined answer to questions 7, 8 and 9

Whilst we agree that of all the options Option 3, would be the most effective in achieving increased consistency, we feel the proposal, in effect would create a National Trading Standards Service, albeit with services outside of the remit of the CTSA still belonging to Local Authorities, for example under age sales, and tobacco advertising. This could increase the number of inspections businesses are subject to, because an increased number of agencies (not reduced as the Hampton Review proposes) are required to inspect them subject to issue. There is also the concern that such a two tier system of inspection and enforcement could lead to a negative system of priorities, i.e. the CTSA placing more importance on the standards within their remit to inspect and would it would be difficult to achieve consistency between inspectors.

Crucially though, the proposal again reduces local accountability and limits the access and potential redress of consumers. How would the CTSA propose to interface with local consumers? Is it envisaged that local Trading Standards advice officers would still deal with local branches of national/regional companies. The ability of Consumer Direct to enable consumers to pursue redress will not be sufficient. Local responsiveness could also be lost.

Central co-ordination of Trading Standards services, and an effective performance management framework could achieve the stated outcomes of improving consistency, efficiency and enforcement, subject to an agreed definition of national businesses. Local accountability and responsiveness, combined with national standards will give the best service to both businesses and consumers.

Quality Assurance of third party alternative dispute resolution (ADR) schemes

10. Do you agree that recognition of good quality ADR schemes would be an appropriate role for the CTSA

Yes.

Cross border scams

11. Do you agree that distribution of these recovered assets would be an appropriate role for the CTSA?

Yes.

Representative action

12. Do you agree that the CTSA should be designated as a third party to bring proceedings on behalf of a group of consumers?

Yes.

Option 1- The CTSA as a wholly new body

13. Do you think that forming the CTSA as a separate body would be most likely to achieve the benefits to business and consumers outlined by Hampton and to support the Government's objectives in this area? What are the reasons for your views?

14. What would be the most effective means of achieving the cultural change needed to create a successful CTSA?

15. Can you see any other advantages/ disadvantages of this approach?

16. Do you agree with the estimates of the costs of forming the CTSA as a separate body, set out in paragraph 78? Where possible please provide evidence for any costs and

benefits, including details of any costs or benefits that you may incur as a result of these proposals.

17. Are there any other relevant factors that we should consider?
18. Do you agree with our recommendations on the likely effectiveness of these measures?
19. What combination of these measures do you think would be most effective in embedding the consumer/ competition link in the CTSA?
20. Are there other measures you can identify that could be effective in maintaining this link?
21. How far do you think the link between consumer and competition issues should be embedded within the organisations? Is a link at senior level sufficient, or should there be links between the CTSA and the OFT at all levels?
22. If the CTSA is formed as a new body, how close do you think the relationship between that new body and Government Ministers should be? What are the reasons for your views?

Option 2- the CTSA as part of the OFT

23. Do you think the link between consumer and competition enforcement is made satisfactorily in the OFT at present? Is it working effectively?
24. Can you think of ways in which this link might be strengthened if the CTSA were to be formed within the OFT?
25. Do you think that forming the CTSA within the OFT would be most likely to achieve the benefits to business and consumers outlined by Hampton and to support the Government's objectives in this area? What are your reasons for your views?
26. What would be the most effective means of achieving the cultural change needed to create a successful CTSA?
27. Can you see other advantages/ disadvantages of this approach?
28. Do you agree with the estimates of the costs of forming the CTSA within the OFT? Where possible please provide evidence for any costs and benefits, including details of costs and benefits that you may incur as a result of these proposals.
29. Are there any other relevant factors that we should consider?

Combined answer to questions 13-29

We believe that there would be many benefits to Trading Standards Services of a body such as the CTSA, and see that it potentially could facilitate recommendations of the Hampton Review, and improve the efficiency and consistency of Trading Standards enforcement and advice, especially through the creation of a robust and appropriate performance framework and minimum

standards. However, at this time there is no clarity of the overall role of the CTSA, or key principles that should guide its functions and dealing with local authorities. Without this, we find it difficult to comment on proposed structures, and costs.

We need further clarity of the exact remit of the CTSA; is it a leadership body, giving clarity of standards and prioritisation, liaising with other Government departments and agencies to ensure prioritisation and co-ordination, and promoting Trading Standards throughout Government and to business and consumers? Or will it be a service delivery body, with enforcement powers?

We would also need clarity on its key aims, and for the protection of consumers to be central to these aims. There is a need for the CTSA to be guided by some central principles, including;

- Strong partnership focus – both within government and with local authorities
- Limits and clear guidelines on the use of powers
- To be consulting and inclusive
- Ensure the high profile of Trading Standards within Government
- Ensure prioritisation of consumer participation, local accountability and local responsiveness.
- Ensure that consumers and the protection of consumer's guides key policy and strategic decisions.

It is difficult, other than perhaps cost and structural implications to see how different, or effective the CTSA would be dependent on being a stand-alone agency or part of the OFT. There would perhaps be increased inference of how seriously the government takes Trading Standards issues if the CTSA would be stand-alone. Also, the CTSA would need to have a close relationship with government, and a strong ministerial link. We would question the link between the OFT and government currently, but feel there should be no reason why an effective link could not be established with either option one or option two.

In order to comment in detail on both options, we would need further detail on the roles and functions of the CTSA and OFT, both if the CTSA were to sit within OFT, or they were separate bodies. Both options have advantages and disadvantages, and both could potentially achieve the recommendations of the Hampton review. However, at this time we do not have enough information to state a preference or comment in detail. The benefits of an enabling leadership body, as the Environment Agency is a national co-ordinating body for environmental crime issues, would have advantages to the Trading Standards service, businesses and consumers. We would wish to reiterate our preference of principles that should guide the functions of the

CTSA, particularly strong partnership working and, most importantly, the fact that the consumer and consumer protection (linked to competition) should be the key concern, and any changes made to Trading Standards services positively impacting businesses, should be passed to the consumer.

Annex C- Partial RIA

30. Do you agree with the costs and benefits of the options for setting up a new CTSA? Where possible, please provide quantifiable evidence.

As stated above, we do not feel we have enough information at this time to comment on proposed benefits, and particularly feel we are not qualified to comment on proposed financial costs, although agree setting up the CTSA as part of the OFT will probably cost significantly less.

We would, however, like to comment that in both Option 1 and Option 2 consumer benefits are reliant on consumers receiving trickle down benefits from businesses (i.e. the easier identification of rogue traders), better prioritisation of Trading Standards work loads and reliance on Consumer Direct and technologies to ensure increased reactions to potential areas of consumer detriment. We feel that currently the only interface between the CTSA (in either option) with the consumer, in order to set priorities, is through Consumer Direct. Whilst we are fully supportive of this initiative and feel it could be of great benefit to government, businesses and consumers, we believe this is a great reliance on an initiative that is not yet nationally launched. In addition a number of large authorities (Glasgow and Birmingham for example) are currently not fully engaged with Consumer Direct. In both options the CTSA is in danger of losing vital consumer participation, and local accountability.

31. Do you agree with the costs and benefits of the options for a redress function within the CTSA? Where possible, please provide quantifiable evidence.

As stated in questions 10, 11 and 12 we are generally supportive of the CTSA's proposed role with regard to consumer redress. Again, although we agree that such a role would be costly, we do not feel qualified to comment on proposed costs. We would like to add that such a consumer redress role, especially with regard to representative action, needs to be combined with the CTSA ensuring cohesive, coordinated and better consumer advice, and ensuring a robust interface with consumers.

32. Do you agree with the costs and benefits of the options for improving the consistency of inspection? Where possible, please provide quantifiable evidence.

Again, we would like further information before commenting in detail. However, in general we feel the benefits/costs for improving the consistency of inspection with regard to the Home Authority principle do not sufficiently address the potential for businesses facing increased inspection (sub option iii) due to inspections taking place outside of the CTSA's remit. The potential impact on Local Authority Trading Standards services; all options are reliant on coordination and prioritisation in order to ensure burdens are not passed to Trading Standards services; there are also resource implications. Finally, and most importantly, we do not feel the options adequately address the need for consumer interface and local accountability.

33. Do you agree with the costs and benefits of the options for maintaining the consumer/competition link? Where possible, please provide quantifiable evidence.

We would agree that the link between consumer and competition must be maintained, and feel that creation of a separate body may undermine the balance currently maintained, satisfactorily, by OFT. The costs and benefits outlined would seem to adequately reflect the advantages and disadvantages.

Cabinet meeting 20th September 2005

Agenda item 11

Response to the Hampton Review and the Creation of the Consumer and Trading Standards Agency (CTSA)

Additional information/comments following Scrutiny Co-ordination Committee 14th September 2005 (Please note comments will be reflected in consultation response to be returned to dti 12th October 2005).

Overall, Scrutiny Co-ordination committee were in general agreement with the consultation response. Primarily they felt;

- Further clarity is necessary particularly with regard to role and remit of the CTSA, i.e. is it a regulatory body with enforcement powers or is it a leadership body with a principle goal of guidance and target setting? Whilst Scrutiny Co-ordination committee was generally supportive of a guidance and target setting body, the creation of a regulatory body with enforcement powers would require further detail and consultation.
- Further clarity is required with regard to the CTSA's proposed intervention and enforcement powers.

Scrutiny Co-ordination Committee also commented on the potential relationships of the CTSA and impact on central government, local authorities and businesses;

- Scrutiny felt there were potential benefits to business, and that the Hampton Review highlighted the need for continuity when dealing with regulation and enforcement of business.
- There was concern that the creation of the CTSA would not achieve the key aims of the Hampton Review, specifically of reducing government agencies. The CTSA could become an additional tier, competing for priority with other agencies (e.g. Animal Health Agency, HSE and FSA), which would increase the burden on local authorities that could be passed to businesses. Further clarification is needed to explain how these agencies would work together.
- Scrutiny would be concerned as to the responsiveness of the CTSA, and of the potential for the CTSA to become a quango. Some felt that the agency was representative of further authority being moved to central government.

Report to
Cabinet

20th September 2005

Report of
Director of Social Services and Housing

Title
Homelessness Strategy 2005-2010

1 Purpose of the Report

- 1.1 The Homelessness Act 2002 puts Local Authorities under a duty to produce a Homelessness Strategy.

2 Recommendations

- 2.1 It is recommended that you approve the actions set out in the Homelessness Strategy.

3 Information/Background

- 3.1 Section 1 to 4 of the Homelessness Act 2002 puts local authorities under a duty to
- Carry out a homelessness review for their district.
 - Publish the results of their homelessness review.
 - Formulate and publish a homelessness strategy.
 - Publish the first homelessness strategy within 12 months of the relevant part of the Act coming into force which was 31 July 2002 and
 - Publish a new homeless strategy within five years of the last one.
- 3.2 Coventry's first homelessness strategy was produced in July 2003. It was a two year strategy and was approved by Cabinet Member (Community and Well being) on 22nd July 2003. The implementation of the strategy was overseen by the Homelessness Strategy Implementation Group. This group consists of stakeholders from the voluntary and statutory sector, and is a sub group of the Local Strategic Partnership's Housing Theme Group.
- 3.3 The Homelessness Strategy 2005-2010 has been produced in conjunction with the Homelessness Strategy Implementation Group, after a wide ranging consultation process with partner agencies, and other stakeholders in both statutory and voluntary sector. This included meeting with partnership boards and individual agencies, holding a number of service user consultation exercises, and organising a one day multi agency consultation event, which was attended by representatives of twenty six partner agencies.

4 Proposal and Other Option(s) to be Considered

- 4.1 The broad aims outlined in the Homelessness Strategy 2005-2010 are

To alleviate homelessness overall, by the development and delivery of a range of preventative options.

Where homelessness cannot be prevented to provide a range of accommodation and support that is suitable for individual or household's needs.

To ensure that individual/ households have support where necessary to maintain a tenancy.

To ensure that all agencies work in partnership, to deliver a joined up holistic service.

To develop research and monitoring projects, which will further develop the understanding of homelessness needs in Coventry.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		✓
Best Value	✓	
Children and Young People	✓	
Comparable Benchmark Data	✓	
Corporate Parenting		✓
Coventry Community Plan	✓	
Crime and Disorder		✓
Equal Opportunities	✓	
Finance	✓	
Health and Safety		✓
Human Resources	✓	
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology	✓	
Legal Implications	✓	
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

Best Value and Comparable Benchmarking

A range of local authorities were consulted on new initiatives and good practice, particularly local authorities who had achieved beacon status for homelessness.

Young People and Children

The strategy outlines a number of measures for tackling homelessness amongst young people, and the provision of support to homelessness households with dependent children.

Coventry Community Plan

The Community Plan's priorities on homelessness and housing advice form the basis for the Homelessness Strategy's key strategic aims.

Equal Opportunities

The Homelessness Strategy is subject to Equality Impact Assessment. The Equality Impact Assessment framework derives from the City Council's obligations under Race Relations Amendment 2000. The assessment process will be completed by 31st Jan 2006.

Finance

There are a number of financial issues regarding homelessness that the strategy will seek to address. This includes the better use of existing funding streams such as Supporting People.

Human Resources

A new post of Homelessness Strategy Implementation Officer was created in 2003 to ensure the effective implementation of the Homelessness Strategy. The post holder commenced work in October 2003. This post was for a fixed term of two years with funding being provided through a revenue grant of £37,000 from the Office of the Deputy Prime Minister. This type of grant was made available to all local authorities for them to use in effectively implementing their Homeless Strategies, and several other local authorities created similar posts.

A further grant of £57,000 was received for financial year 2004/05. The Homelessness Strategy Implementation Group agreed to use the extra funding to create a Homelessness Strategy Implementation Assistant to support the work of the Implementation Officer. The post holder commenced work in May 2004 with a two year fixed term contract. A repeat grant of £57,000 was received for financial year 2005/06 which continues to provide funding for both posts. The contracts for both posts end on 31st March 2006.

It has yet to be established whether there will be any further funding for Homelessness Strategy Implementation from the Office of the Deputy Prime Minister after March 2006. If further funding is made available the Homelessness Strategy Implementation Group will determine how the grant would be best used to meet the strategic objectives identified.

Information and Communications Technology

As part of the ongoing implementation of the homelessness strategy a homelessness resource directory is being set up. The project is funded by a £17,400 grant from Neighbourhood Renewal Fund. The directory will be available in a paper format and on line through the council's website. It is designed to be used by service users and the frontline workers of homeless agencies.

Legal Implications

The publication of the Homelessness Strategy 2005-2010 meets the legal requirement for local authorities to have a current homelessness strategy.

6 Monitoring

6.1 The Homelessness Strategy Implementation Group will continue to monitor the implementation of the strategy.

7 Timescale and expected outcomes

7.1 The Homelessness Strategy Implementation Group will meet to prioritise strategy objectives, and devise a work programme for the first year of implementation. Priorities will be reviewed on an ongoing basis, and new action plans will be devised annually.

	Yes	No
Key Decision	✓	
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	✓ Scrutiny Board 2 7 July 2005	
Council Consideration (if yes, date of Council meeting)	✓ 20th September 2005	

List of background papers

Proper officer: Stephen Rudge, Head of Housing Policy and Services

Author: Telephone (024) 7683 2725
Sharon Wheeler, Homelessness Strategy Implementation Officer, Housing Policy and Services
(Any enquiries should be directed to the above)

Other contributors:

Vicky Buckley, Principal Lawyer, Legal and Democratic Services
Chris Ralston, Finance and IT (Social Services and Housing)
Carol Williams, Human Resources Manager, Social Services and Housing
Liz Knight, Senior Committee Officer, Legal and Democratic Services

Papers open to Public Inspection

Description of paper

File: Homelessness Strategy

Location

CRH1

CABINET

18th October 2005

Cabinet Members
Present:-

Councillor Arrowsmith
Councillor Blundell
Councillor Foster
Councillor Kelsey
Councillor Matchet
Councillor H Noonan
Councillor O'Neill (Chair)
Councillor Ridley

Non-Voting Opposition

Representatives present:- Councillor Benefield
Councillor Duggins
Councillor Mutton
Councillor Nellist

Chair of Scrutiny
Co-ordination Committee
present:

Councillor Sawdon

Other Members
Present:-

Councillor Clifford
Councillor Gazey

Employees Present:-

V. Clowes (Legal and Democratic Services Directorate)
F. Collingham (Chief Executive's Directorate)
J. Daly (Finance and ICT Directorate)
D. Elliott (City Development Directorate)
T. Jones (City Development Directorate)
S. Manzie (Chief Executive)
C. Pearson (City Development Directorate)
S. Pickering (Director of City Services)
K. Rice (Legal and Democratic Services Directorate)
A. Ridgwell (Director of Finance and ICT)
J. Russell (City Development Directorate)
D. Sleigh (Social Services and Housing Directorate)
C. Swann (Legal and Democratic Services Directorate)
P. Todd (City Development Directorate)
S. Venters (Legal and Democratic services Directorate)
C. West (Education and Libraries Directorate)

Apologies:-

Councillor Taylor

Recommendations

Public business

114. 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 referred to in Minute 133/05 below relating to “Swanswell Initiative – Land Disposal to City College” on the grounds that this item involves the likely disclosure of exempt information as defined in Paragraphs 7 and 9 of Part I of Schedule 12A of that Act.

119. Swanswell Initiative – Land Disposal to City College

The Cabinet considered a joint report of the Director of City Development, the Director of Legal and Democratic Services and the Director of Finance and ICT, which sought approval for the disposal of City Council land to City College Coventry (the College) to enable them to develop a new flagship college in the Swanswell Initiative area.

The Cabinet noted that a corresponding private report, detailing commercially confidential aspects, had also been submitted to this meeting (Minute 133/05 below refers)

On 17th August 2004, the Cabinet approved the Draft Swanswell Initiative Masterplan document as a basis for ongoing public consultation, and reports back by the employees (Minutes 29 and 31/04 refer). As part of the Initiative, the Cabinet also approved, in principle, its commitment to support and facilitate a new college, a key component of the proposed new Learning Quarter.

The Swanswell Initiative has the backing of the major landowners, partners and developers within the Masterplan area and the Stakeholders are signed up and committed to working together and with local people to achieve the identified priorities for regeneration of the area.

At its meeting on the 15th February 2005 the Cabinet approved the acquisition of land from Whitefriars Housing Group to enable the delivery of the Learning Quarter (their Minute 100/04 refers). The purchase by the Council was funded by Advantage West Midlands (AWM) at that time and the Cabinet were also briefed that the Director of City Development would report back on the Heads of Terms for the subsequent disposal of the majority of the acquired site to the College. The estimated costs of the acquisition and disposal were built into the 2004/05 Policy, Priorities and Resources (PPR).

Since that time detailed negotiations have been continuing to the point where the

College are now clear as to the precise area of land they require; have conditionally disposed of their present three sites in Coventry to part-fund the new development; have conditionally secured Learning Skills Council (LSC) funding for the project; have secured detailed planning permission for Phase 1; and have submitted an outline planning application for Phase 2.

In addition, Heads of Terms have been provisionally agreed for the disposal of the necessary Council land to the College. It is also recognised that additional private property is required for the new development, that negotiations to purchase these by private treaty have commenced, and that a back-up Compulsory Purchase Order (CPO) needs to be put in place and progressed. The Cabinet noted that a report on this matter was also to be considered at the meeting (Minute 120/05 below refers)

The College's funding of their development is complex, as they are disposing of their three existing sites in Coventry (the Butts, Tile Hill and Maxwell Annexe) to part-fund the development. Their other funding is made up by the LSC and a commercial bank loan. The new College will be the first major development for the Swanswell Initiative, and the College will be committing itself prior to the adoption of (and therefore formal commitment to) the Masterplan as a Supplementary Planning Document and without the backing of a confirmed CPO. Whilst this shows belief in and commitment to the principles of the Swanswell Initiative on the part of the College, it also gives rise to difficulties for them in finally securing the funding they require, as there can be no guarantee at this time that their full development site can be assembled.

The College have to programme their new development to tie in with the urgent and time-limited market requirements of the three parties acquiring their other three sites. They also have to have the new College open before they can give possession of their current sites to these other parties. The new College will, by necessity, be built in two phases and whilst there is clarity for Phase 1 (i.e. detailed planning consent and funding approved); the details and needs of Phase 2 have only recently been clarified. This, together with the site assembly and funding complications, represents considerable risk for the College and for the Council in progressing the CPO when there is no guarantee that the College will proceed with Phase 2.

The College programme requires that the enabling works for Phase 1 start in December 2005 with completion and opening by September 2007. Work on Phase 2 will need to commence in February 2007, with completion and opening by September 2008.

The next key date for the College is 7th December 2005, when their Governors will decide whether to commit to the project and proceed. The College cannot proceed with Phase 1 until Phase 2 has been given final LSC approval in November. Whilst they will be considering many areas of project risk in this key decision, they need confirmation that the Council will agree to the disposal of the Council land required for the whole development, including the land that may require purchase by way of a CPO; take all necessary action to purchase by agreement (or by way of CPO) additional adjoining land required for the scheme;

and start formal procedures for progressing a back-up CPO for the required land.

The new College is proposed to be located on land in the current Masterplan designated for the college elements of the Learning Quarter. The College wishes to develop a single College of 27,096 m² (291,660 sq ft) consisting broadly of 14,637m² Advanced Construction & Technology Centre (ACTC) to be built as Phase 1 and a 12,459m² General FE College building including a Performing Arts facility/300 seat Community Theatre and a sports facility to be built as Phase 2.

The form of the development will accord with the design principles in the Swanswell Masterplan in relation to scale, massing, active street frontages and associated public spaces. Detailed planning permission for Phase 1 was granted on 21st July 2005 subject to a Section 106 agreement being completed, and an outline application for Phase 2 was submitted on 20th September 2005.

Phase 1 of the development requires land currently occupied by the Church Hall on Queen Street and the Swanswell Medical Centre and car park on Swanswell Street. Phase 2 will be built on land currently occupied by 2 three-storey blocks of flats comprising 12 separate units, known as Cygnet Court and Orwell Court in Swanswell Street. The Multi-Storey Car Park requires acquisition of land currently occupied by 2 industrial units, one at 32 Adelaide Street, and Unit 5 at Castle Place Industrial Estate, Harnall Lane East.

The additional properties constitute the City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005, on which a report is also to be considered. Subject to that approval, and in accordance with Government circular 06/2004, negotiations to acquire the outstanding properties and interests will continue with the individual owners and occupiers.

The District Valuer has assessed the value of the land for disposal for Education purposes. The majority of the premium will be passed to AWM as they funded the Council's acquisition of the land from Whitefriars. That part of the premium that relates to properties bought by the Council in advance of, or as part of the CPO, will be retained by the Council as a capital receipt.

The College's development proposals require the provision of car parking. The existing 90 space surface car park on Bath Street (currently used by Whitefriars' tenants) together with a residents' car parking scheme initially funded by the College, will satisfy the requirements of Phase 1. The car park will be included in the disposal to the College. Phase 2 will require additional College and public spaces, and this can only be accommodated by building a Multi-Storey Car Park. This is proposed to be located on part of the existing surface car park and on part of the Castle Place Industrial Estate between Bath Street and Adelaide Street. The industrial units on this site are therefore included in the CPO. The Multi-Storey Car Park is to be jointly funded by the Council and the College, although it was noted that there are issues yet to be resolved in relation to the design, location and street presence of the Multi-Storey Car Park to ensure that the principles of the Swanswell Masterplan are met. The funding arrangements will be determined as these issues are clarified and agreed. A further report on these details, together with the provisional arrangements for procurement and future management of the

Multi-Storey Car Park, will be submitted to a future Cabinet meeting for approval. There will also be a loss of employment use on this site, which will need to be resolved through the Phase 2 planning application process. The current intention is to address this issue by including office accommodation on two elevations of the Multi-Storey Car Park.

The financial implications of the disposal of land for the College's development, the risks in the College not being able to secure funding for Phase 2, and of the Council not obtaining a confirmed CPO, were detailed in the private report.

The Cabinet formally noted that this report recommended the making of a key decision on a matter not included in the published Forward Plan. On that basis, pursuant to paragraph 4.2.16 of the Council's Constitution, the Chair of the Scrutiny Co-ordination Committee (Councillor Sawdon) confirmed that the taking of the decision could not be reasonably deferred.

RESOLVED that the Council be recommended to note:-

- (1) The proposals for the development of the College and the intended disposal of the land shown edged black on the plan attached to the report submitted, to the College on the terms detailed in the report on the private part of the meeting.**
- (2) That Authority to purchase properties and to make a Compulsory Purchase Order to assemble the College development site is sought in an additional report to be considered at this meeting.**
- (3) That the location of the proposed Multi-Storey Car Park required to support Phase 2 of the College development necessitates the acquisition of property on part of the Castle Place Industrial Estate, to ensure that the Swanswell Masterplan design principles are met.**

120. City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005

Further to Minute 119/05 above, the Cabinet considered a report of the Director of City Development, which sought approval for the compulsory acquisition of property and interests to facilitate the delivery of the Swanswell Initiative Learning Quarter.

At its meeting on the 17th August 2005, the Cabinet agreed to support and facilitate the availability of land in order for the new City College to be built as a key element of the Swanswell Initiative (Minutes 29 and 31/04 refer).

The planning position of the Order Land was set out in detail in the Statement of Reasons as Appendix B to the report submitted and briefly includes a description of the CPO 'Order Land' site; a justification of the need for the CPO powers; a description of the Swanswell Initiative proposal; the Authority's purpose in seeking to Acquire the Order Lands; Human Rights Act consideration; the planning context and current planning position, making reference to Government statements and policies within the Coventry Development Plan 2001 (CDP), which support these

proposals; and related Highway Closure Orders.

Before the Order can be formally confirmed, outline planning permission for Phase 2 City College, to include a Multi Storey Car Park, needs to be granted and this will be pursued by City College. Their application was valid from 20th September 2005. On 21 July 2005, Planning Committee granted planning permission for Phase 1, subject to conditions and a Section 106 Agreement being concluded.

Compulsory Purchase powers are sought under Section 226(1) (a) of the Town and Country Planning Act 1990 for authority to compulsorily purchase land which is required to secure the carrying out of redevelopment in accordance with the scheme detailed in the Statement of Reasons attached as an appendix to the report.

A Compulsory Purchase Order is needed to ensure that the site can be assembled and vacant possession of the required areas delivered at market value, by the due date, to permit the College development to proceed on programme and to give it certainty, in order that the College can secure funding. The Order includes all outstanding private sector property interests within the development area.

The Cabinet noted that purchases by agreement in advance of the Order would continue to be undertaken, where possible. All parties affected by the proposals have been formally referenced and are aware of the scheme.

The Cabinet noted that, should they not resolve to make the Order under the enabling power, then the scheme would not have certainty in its programming. This would mean that, either the scheme may not proceed at all, or that it may be protracted to an unacceptable degree and/or ransom values may be sought by the owners of the affected parties.

Duncan Elliott of the City Development Directorate attended the meeting and made a presentation on the key aspects of the proposed scheme, including the proposed land acquisitions required for the Learning Quarter. These included two industrial units, a doctors surgery and two blocks of residential properties known as Cygnet Court and Orwell Court. He reported that the residents of these properties had expressed their extreme concern at the prospect of having to be rehoused, especially as those on the ground floors of these blocks have physical disabilities and have had their dwellings adapted to meet their needs. Duncan Elliott confirmed that the City Council had been working with the owners of the properties, Orbit Housing Association, in an attempt to identify suitable alternative accommodation, situated locally. The Cabinet noted that a number of residents of Cygnet Court and Orwell Court had attended the meeting to listen to the proceedings in respect of this matter. Councillors Matchet and Arrowsmith confirmed that the City Council were anxious to ensure that the Swanswell Development Initiative was implemented, as this would be one of the most important development schemes in the City for many years, and provide an opportunity to make significant improvements to one of the most deprived areas of the City. It had also been recognised however, that there was a need to cause the least amount of disruption to the local community and that the City Council's best endeavours would be made to ensure that alternative accommodation, in terms of

location and facilities, was provided for the occupiers of properties to be acquired as part of the development proposals. These assurances would apply particularly in respect of the of occupiers of Cygnet Court and Orwell Court. It was also proposed that assurances should also be given that Compulsory Purchase powers should only be used as a last resort. Also, in response to questions raised at the meeting by Councillor Mutton, assurances were given at the meeting in relation to land values and plans for the provision of alternative local health facilities arising from the need to acquire the site of the existing doctors surgery, as referred to above.

The Cabinet formally noted that this report recommended the making of a key decision on a matter not included in the published Forward Plan. On that basis, pursuant to paragraph 4.2.16 of the Council's Constitution, the Chair of the Scrutiny Co-ordination Committee (Councillor Sawdon) confirmed that the taking of the decision could not be reasonably deferred.

In relation to this matter, Councillor Nellist expressed concern regarding the need for the proposal to be submitted to the City Council without an opportunity for the issues to be formally scrutinised. He also expressed his opposition to the proposal to demolish Cygnet Court and Orwell Court as these dwellings were built comparatively recently and provided much needed purpose built accommodation for people with disabilities. He also expressed the view that, as there appeared to be no other suitable similar development currently available in the area in which these residents could be re-housed, Cygnet Court and Orwell Court should not be demolished until comparable alternative development had been provided in the area for the residents to move straight into.

The Cabinet also noted other concerns raised at the meeting about the alleged lack of opportunity given to City Council Members to debate issues to be considered as part of the Swanswell Initiative proposals, especially having regard to the fact that a meeting of the Cabinet (Swanswell) Advisory Panel had not been held for some considerable time. **Accordingly, the Cabinet requested that action should be taken as a matter of urgency to reconvene meetings of this Advisory Panel as soon as possible.**

RESOLVED that the Council be recommended to:-

- (1) Authorise the making of the City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005 ("the Order") under Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 in respect of the land coloured pink on the plan marked "Map referred to in the City of Coventry (Swanswell No1) Compulsory Purchase Order 2005" displayed at the meeting.**
- (2) Authorise the Director of City Development and the Director of Legal and Democratic Services to advertise the Order and submit it to the First Secretary of State in accordance with the Acquisition of Land Act 1981 and to take all necessary steps to secure the confirmation and implementation of the Order, including, if necessary,**

presentation of the Council's case at public inquiry.

- (3) Agree that, notwithstanding the previous recommendations, attempts continue to be made to acquire the land interests by agreement in accordance with Government circular 06/2004.**
- (4) In approving the recommendation referred to in (3) above, the City Council also supports a proposal by the Cabinet that assurances are given that Compulsory Purchase powers would only be used as a last resort, and that the Council's best endeavours would be made to ensure that suitable alternative accommodation, in terms of location and facilities, is provided for the occupiers of residential properties to be acquired as part of the Swanswell Initiative, these assurances to apply particularly in respect of the occupiers of Cygnet Court and Orwell Court.**
- (5) Agree the Statement of Reason For Making the Order set out in Appendix B, and note the schedule of interests to be acquired as set out in Appendix A of the report submitted.**

123. Review of Members' Allowances

The Cabinet considered a joint report of the Director of Legal and Democratic Services and the Director of Finance and ICT, which sought further consideration of some of the recommendations of the Independent Remuneration Panel from November 2003, which had been deferred by the City Council at their meeting on 16th December, 2003, pending the outcome of Single Status. The report also proposed that a recommendation be made to full Council to amend the Scheme of Members' Allowances, backdated to the date of the Annual General Meeting of the Council, 17th May, 2005.

The Cabinet, on 29th July, 2003, approved an independent review of Members' Allowances being carried out by an Independent Remuneration Panel and the appointment of Dr Declan Hall as consultant/advisor to the Panel (Minute 33/03 refers). Dr Hall has substantial experience of dealing with Members' Allowances.

The Local Authorities (Members' Allowances) (England) Regulations 2003 which came into effect in May 2003 required the City Council to have regard to the recommendations of the Independent Remuneration Panel before it introduced a Members' Allowance Scheme although the City Council is not obliged to adopt any recommendation that the Panel may make.

The Council on 16th December, 2003, deferred consideration of the proposals pending the outcome of Single Status and made a scheme based on the previous year's scheme updated to reflect the 2003 pay award (their Minute 86/03 refers). Whilst there are still on-going discussions relating to Single Status, it is proposed that a number of the recommendations can now be taken forward.

So as to present a full picture of the allowances paid by the City Council, it should be noted that an allowance is paid to the Lord Mayor to cover the expenses of

both the Lord Mayor and the Lady Mayoress and is currently £29,520. This does not form part of the Allowances Scheme as it is not covered by the Regulations. The Lord Mayor does not receive a basic or any other allowance. The allowance, as with all other member allowances, is increased annually in line with the national pay award for local authority staff.

In addition to the basic allowance (and any Special Responsibility Allowance if appropriate) the Deputy Lord Mayor receives an additional annual allowance of £12,195 not covered by the Regulations. This is also subject to the same annual increase as the Lord Mayor's, and other members' allowances.

The recommendations of the Independent Remuneration Panel in relation to basic and special responsibility allowances were summarised within the report and have been updated from the 2003 figures to reflect the national pay awards of 3% and 2.95% made to Council staff in 2004 and 2005 respectively.

	Current	Recommended (taking into account previous recommendation updated for pay awards)
Basic Allowance	£11,757	£12,513 (on the basis that current telephone line rental and stationery allowances are discontinued)
Special Responsibility Allowances		
Leader	£21,162	£25,450
Deputy Leader	£15,282	£17,815
Cabinet Members	£9,406	£12,725
Chair of Scrutiny Co-ordination Committee	£9,406	£8,908
Leader of Opposition Group	£3,526	£8,908
Chairs of Scrutiny Boards	£5,877	£7,635
Chair of Planning Committee	£3,526	£7,635
Chair of Licensing and Regulatory Committee	£2,350	£7,635
Deputy Chair of Scrutiny Co-ordination Committee	N/A	£2,970
Deputy Chairs of Scrutiny Boards	£2,350	£2,545
Deputy Chair of Planning Committee	£1,763	£2,545
Deputy Chair of Licensing and Regulatory Committee	£1,175	£2,545
Leader of other Opposition Group (+10 Members)	N/A	£2,545

Leader of other Opposition Group (5-9 Members)	N/A	£1,273
Member Responsible for Standards	£2,350	Discontinued

The Independent Remuneration Panel produced a comprehensive report setting out the basis of their deliberations and the statutory guidance in relation to Special Responsibility Allowances (SRA) and these were summarised within the report submitted.

The Panel, having considered all approaches in reaching their recommended figure, still considered that this was relatively low when compared with peers in "near neighbour" authorities and on a par with other West Midlands Districts.

In relation to other positions, as suggested in the statutory guidance, the Panel arrived at the recommended SRAs for other post holders by relating their roles to that of the Leader's. This is the most common approach utilised by Review Panels and the results were detailed within the report submitted.

The other recommendations of the Panel can be summarised as follows and the report provided reasons for each of the recommendations:

- (a) That a Dependant Carer's Allowance be devised for Coventry City Council. A draft scheme was appended to the report submitted.
- (b) That travel and subsistence allowances be paid at the same rate as officers.
- (c) That a co-optee's allowance of £425 (£400 plus pay awards for 2004 and 2005) per annum be paid to the co-opted (independent) members of Standards Committee and the co-opted members on Children's Services, Supported Community Services and Health and Housing Scrutiny Board. (The Council will need to decide whether to extend this recommendation to cover other Scrutiny Boards)
- (d) That the Panel support the principle that all Members shall be eligible to join the Local Government Pension Scheme.
- (e) That from 2004 the basic allowance, special responsibility allowance and co-optees' allowance be automatically increased by the annual local government pay percentage increase agreed each April.
- (f) That, if a Member is suspended, the Standards Committee are empowered to suspend in whole or part the allowance payable to that Member.

The Regulations allow amendments to a scheme to be backdated to the start of the Municipal Year.

RESOLVED that the Council be recommended to:-

- (1) Amend the Scheme of Members' Allowances backdated to 17th May, 2005, (the date of the Annual General Meeting of the Council) as indicated so as to:-

 - (i) Increase Special Responsibility Allowance for the Chairs and Deputy Chairs of Licensing and Regulatory and Planning Committee to the same rate currently paid to Chairs and Deputy Chairs of Scrutiny Boards i.e. £5,877 and £2,350, respectively (a total increase in costs of £7,640).
 - (ii) Introduce Dependant Carer's Allowance (at an anticipated minimal cost)
 - (iii) Introduce Co-optee's Allowance (at an estimated cost of up to £5,950)
 - (iv) Introduce a Special Responsibility Allowance for the Deputy Chair of Scrutiny Co-ordination Committee at the same level paid to other Deputy Chairs i.e. £2,350 (at no cost in the current year as the post holder is also the Chair of a Scrutiny Board and would only be entitled to one Special Responsibility Allowance)
- (2) Approve the hourly rate for the Dependant Carer's Allowance (actual cost but not exceeding the hourly rate for the national adult minimum wage) for both childcare and other dependants and to approve the draft scheme appended to the report submitted.
- (3) Defer a decision on whether or not to approve access for Councillors to the Local Government Pension Scheme pending further consideration of the Allowance Scheme by the Panel, as detailed in recommendation (6) below.
- (4) Clarify whether all co-opted Members should receive a co-optee's allowance.
- (5) Take no further action on the other recommendations in the Independent Remuneration Panel's report.
- (6) Request the Independent Remuneration Panel to meet in the Municipal Year 2006/2007 to further review the Scheme of Members Allowances and to make appropriate recommendations.

124. **Possible Changes to the Use Classes Order: Casinos**

The Cabinet considered a joint report of the Director of Legal and Democratic Services and the Director of City Development, which detailed the possible changes to the Use Classes Order for Casinos, explained what these changes could mean to Coventry and sought approval of the proposed response to the

consultation.

The background to the proposed changes to the Use Classes Order is the Gambling Act 2005, which will permit 3 categories of new casinos to operate in Britain. At present the legislation will allow one very large regional (national) casino, along with 8 large and 8 small casinos. The Act will introduce a new 3 fold licensing regime, 2 elements of which will be administered by the Gambling Commission and the third, relating to premises licensing will be the responsibility of local authorities.

A summary of the Consultation Paper, which was produced in July 2005 by the Office of the Deputy Prime Minister (ODPM) on the planning aspect of the proposed changes, was appended to the report submitted.

As part of the fundamental review of gambling, the Government indicated its intention to review the classification of casinos within planning legislation. The Cabinet noted that the Planning Permission for the Ricoh Arena development includes a casino, which is of a size that could accommodate a regional size casino once the national licensing arrangements are in place. Fit out is currently underway for a casino of the maximum size permitted under the present licensing regime.

The Use Classes Order lists under various categories similar types of development, where it is considered that a change of use from one use to another within the same use class will not cause any major problem of planning policy, amenity or traffic generation. In such cases Planning Permission is not required to change from one use to another. At present casinos are within Use Class D2 – Assembly and Leisure, which also includes Cinemas, Concert Halls, Bingo Halls, Dance Halls, Swimming Baths, Skating Rinks and Gymnasiums.

In the light of the new Gambling Bill and their review of the Use Classes Order, the Government now feel that casinos should be given a different classification in order to control proliferation; reflect the uniqueness of casinos as a land use; manage uncertainty; derive effective controls to mitigate against adverse planning impact; and allow the capture of development benefits for the wider community.

The Government have proposed 3 options, firstly to make no change to the current arrangement, secondly to define casinos as "sui generis" with no permitted development rights, which would mean that casinos would be a separate use of their own outside the scope of the Use Classes Order and Planning Permission would also be required for their establishment or change of use to anything else. The third option is to define casinos as "sui generis" but with permitted development rights which would also be a change to anything else with Class D2.

It is proposed that a response be forwarded to the Government in support of Option 2. This would ensure that the City Council as the Local Planning Authority would be able to fully assess the impact of any change to or from a casino, in policy, amenity and traffic terms, and apply condition or secure obligations under Section 106 when and where appropriate.

Scrutiny Board (3) considered the report at their meeting on 5th October 2005 (their Minute 25/05 refers), and the Cabinet noted that the Scrutiny Board endorsed the proposal to respond in support of Option 2.

RESOLVED that the Council be recommended to approve a response to the consultation supporting option 2.

127. **Response to the Electoral Commission Consultation Paper – Periodic Electoral Reviews**

The Cabinet considered a report of the Director of Legal and Democratic Services, which sought approval for a response to the Electoral Commission in relation to the Consultation Paper on Periodic Electoral Reviews, which the Commission issued on 2nd September 2005. The Consultation Paper and the City Council's proposed draft response were appended to the report. The deadline for the submission of the responses is 25th November 2005.

The Cabinet noted that Scrutiny Board (1) would also be considering the report at their meeting scheduled for 19th October 2005.

The Electoral Commission is an independent body established by Parliament whose mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process. In 2002, the Boundary Committee for England was established as a formal committee of the Electoral Commission. This Committee took over the work which had previously been carried out by the Local Government Commission for England. The Committee's principal role is to undertake a rolling programme of period electoral reviews, which examine the electoral arrangements of every local authority in England. The programme of reviews started in 1996 and concluded in October 2004 by which time the Commission had undertaken some 386 reviews. Although legislation had previously provided that reviews should be undertaken at intervals of not less than 10 years and not more than 15 years, this requirement was repealed in 2000. Indeed, for most local authorities, whose boundaries had not changed significantly, the review undertaken as part of the rolling programme was the first for over 20 years. In the case of the City Council, the periodic electoral review was undertaken in 2002 and the changes proposed came into effect with the 2004 local elections.

Now that the programme of periodic electoral reviews has been completed, the Commission has begun a "comprehensive evaluation of the policies and processes used to guide" reviews. The Commission is keen to seek views as to whether the approach it has adopted in relation to reviews is still valid or whether the methodology could be improved. As part of the work it is undertaking, the Commission has issued a consultation paper, which poses 14 questions for respondents to express an opinion on. A copy of this consultation paper was attached as Appendix 1 to the report submitted.

In undertaking periodic electoral reviews, the Boundary Committee is bound by law to take into account certain criteria. In particular, when making recommendations for any changes to the electoral arrangements of County, Metropolitan, District and

London Borough Councils, the Commission is required to have regard to the need to reflect the identities and interests of local communities; the need to secure effective and convenient local government; and the need to secure equality of representation.

In addition, there are rules set out in the Local Government Act 1972, which the Committee must have regard to. The Committee also takes into account the requirements of the Race Relations Act 1976, which require public authorities to eliminate unlawful racial discrimination, promote equality of opportunity, and also promote good relations between persons of different racial groups.

The Boundary Committee is not able to review the administrative boundaries between local authorities or parishes as that is a function of the Secretary of State. The Commission does, however, have the power to determine the size of a local authority in terms of the number of elected Members that it may have.

The report specifically highlighted the key issues of electoral equality, recognition of communities, and Council size and it is proposed that the response indicates that it is clearly fundamental to the democratic process that electoral areas ensure effective representation for citizens. Most elections within the UK are run on the "first past the post" principle rather than on a system of proportional representation. The principle of equality of representation must, therefore, provide a starting point for any review of electoral areas. This principle of equality of representation, which is designed to ensure as far as possible that all votes have the "same value", has been a cornerstone of local and national electoral systems since local government was first established in its modern form and parliamentary constituencies were reformed in the mid 19th Century.

Before the last programme of periodic electoral reviews commenced, the variation in the elector/Councillor ratio (the method by which equality of representation is measured) ranged from 6% up to 23%. However, following the review, this was reduced to between 2% and 7%. The Electoral Commission had adopted its own guideline of ensuring that in all cases, the variance in elector/Councillor ratio was below 10%. There is a view, however, that by applying what is, in effect, a mathematical calculation, the Commission has overlooked the need to ensure that the identities of communities are recognised and that, for example, ward boundaries do not cross right through communities. Indeed, this view was expressed by the ODPM Select Committee, which considered ward boundaries in a report published in April 2005. They felt that, whilst the objective should be to ensure voter equality, that, at times the Electoral Commission placed far too much emphasis on equality and ignored the need to reflect the identities and interests of local communities. In terms of the response, it is suggested that the City Council support the view of the Select Committee and asks the Commission to give greater weight to community identity.

It is recognised that there are major difficulties in defining precisely what constitutes a "community". The Commission had some research undertaken in this area and the results of this were set out in paragraph 3.7 of the consultation paper. This concluded that there is no such thing as an easily delineated community, but that the location and distribution of specific public facilities, such

as shopping centres, schools, community centres and places of worship could point to the focus of communities and the existence of community ties. Whilst this may be a sensible starting point, it is suggested that the Commission should consider carefully representations from local residents as to what constitutes their own community.

The Commission has the power to determine the number of Councillors on a local authority. However, there is nothing in the statutory framework which provides any guidance to setting Council size. The Commission points out that the current make-up of authorities with what it describes as "considerable disparities in size and Councillor-to-electors ratios" results from local government re-organisations carried out in 1963 and 1974. The Government has never set down the exact sizes for Councils in England linked to the electorate or other variables. Whilst the former Local Government Commission for England established some broad size bands for different types of Council, these were withdrawn in 1999. As a result, the Commission now asks respondents to explain the proposed Council size in terms of their functions, population, democratic arrangements and the pattern of work for Councillors. The draft response suggests this approach should be maintained and it should be left for each authority to determine its composition in terms of Councillor Members, which will reflect local circumstances. It is unlikely that any guidance from the Commission in this regard would be helpful.

With the exception of Metropolitan Councils, the Commission has considerable flexibility in deciding how many Councillors there should be for each Ward. In Metropolitan Councils, the law, however, requires the numbers of Councillors for each Ward to be divisible by three. The Commission has used this particular power in County Councils to move away from single Councillor divisions and to recommend two and three Councillor areas. This has been a somewhat controversial development. The Commission suggests that in Metropolitan areas, the fact that the number of Members has to be divisible by three leads to inflexibility. The Commission is, therefore, seeking views as to whether it should continue to be prescriptive about the number of Councillors per Ward. **The Cabinet, having noted the wording of point 10 of the proposed draft response, requested that an amendment should be made thereto indicating that the City Council firmly supports the concept that no electoral area should have more than three elected Councillors, as any greater number would dilute the accountability of individual Councillors to their electors.**

Other questions in the consultation paper relate to the timing and frequency of periodic electoral reviews, the forecasts which authorities make in relation to their future electorate, issues concerning reviews in areas with two tier local government and the naming of wards.

RESOLVED that the Council be recommended to approve the draft response, with the proposed amendment to point 10 as referred to above, for submission to the Electoral Commission by the deadline of 25th November 2005, taking on board any appropriate views expressed by Scrutiny Board (1) at their meeting on 19th October 2005.



Coventry City Council

7

Public report

Report to
Cabinet

18 October 2005

Report of

Directors of City Development, Legal and Democratic Services & Finance and ICT.

Title

Swanswell Initiative – Land Disposal to City College (St Michaels Ward)

1 Purpose of the Report

To advise of the disposal of city council land to City College Coventry ("the College") to enable them to develop a new flagship college in the Swanswell Initiative area, and to note that authority is sought in the next report on your Agenda for the acquisition of additional adjacent properties required for the same development.

2 Recommendations

The Cabinet is asked to refer the matter for consideration at full Council on 1st November 2005 with the following recommendations.

Full Council are asked to note:

- 2.1 The proposals for the development of the College and the intended disposal of the land shown edged black on the attached plan to the College on the terms detailed in the report on the private part of your Agenda.
- 2.2 That authority to purchase properties and to make a Compulsory Purchase Order to assemble the College development site is sought in the following report on your Agenda today.
- 2.3 That the location of the proposed Multi-Storey Car Park required to support Phase 2 of the College development necessitates the acquisition of property on part of the Castle Place Industrial Estate, to ensure that the Swanswell Masterplan design principles are met.

3 Information/Background

- 3.1 On 17th August last year, Cabinet approved the Draft Swanswell Initiative Masterplan document as a basis for ongoing public consultation, and reports back by officers. As part of the Initiative Cabinet also approved, in principle, its commitment to support and facilitate a new college, a key component of the proposed new Learning Quarter.
- 3.2 The Swanswell Initiative has the backing of the major landowners, partners and developers within the Masterplan area. The Stakeholders are signed up and committed to working together and with local people to achieve the identified priorities for regeneration of the area.
- 3.3 At its meeting on the 15th February Cabinet approved the acquisition of land (from Whitefriars Housing Group) to enable the delivery of the Learning Quarter. The purchase by the Council was funded by Advantage West Midlands ("AWM") at that time. Cabinet were also briefed that the Director of City Development would report back on the Heads of Terms for the subsequent disposal of the majority of the acquired site to the College. The estimated costs of the acquisition and disposal were built into the 2004/5 PPR.
- 3.4 Since that time detailed negotiations have been continuing to the point now where:-
- the College is clear as to the precise area of land it requires.
 - the College have conditionally disposed of its present three sites in Coventry to part-fund the new development.
 - the College have conditionally secured Learning Skills Council (LSC) funding for the project.
 - the College have secured detailed planning permission for Phase I; and have submitted an outline planning application for Phase 2.
 - Heads of Terms have been provisionally agreed for the disposal of the necessary Council land to the College.
 - It is also recognised that additional private property is required for the new development, that negotiations to purchase these by private treaty have commenced, and that a back-up Compulsory Purchase Order ("CPO") needs to be put in place and progressed. **Note:** This CPO is dealt with by the next report on the Public part of your agenda today.
- 3.5 The College's funding of their development is complex, as they are disposing of their three existing sites in Coventry (the Butts, Tile Hill and Maxwell Annexe) to part-fund the development. Their other funding is made up by the LSC, and a commercial bank loan. The College will be the first major development for the Swanswell Initiative, and the College will be committing itself prior to the adoption of (and therefore formal commitment to) the Masterplan as a Supplementary Planning Document and without the backing of a confirmed CPO. Whilst this shows belief in and commitment to the principles of the Swanswell Initiative on the part of the College, it also gives rise to difficulties for them in finally securing the funding they require, as there can be no guarantee at this time, that their full development site can be assembled.
- 3.6 The College has to programme their new development to tie in with the urgent (and time-limited) market requirements of the three parties acquiring their other three sites. They also have to have the new College open before they can give possession of their current sites to these other parties. The new College will, by necessity, be built in two phases. Whilst there is clarity for Phase 1 (i.e. detailed planning consent and funding approved); the details and needs of Phase 2 have only recently been clarified. This, together with the site

assembly and funding complications referred to in 3.5 above, represents considerable risk for the College and for the Council in progressing the CPO when there is no guarantee that the College will proceed with Phase 2.

3.7 The College programme requires the following:-

- | | | |
|------|--|-----------------|
| (i) | <u>Phase 1:</u>
Enabling Works to start | December 2005 |
| | Completion & Opening | September 2007 |
| (ii) | <u>Phase 2:</u>
Works to start | February 2007 |
| | Completion & Opening | September 2008. |

3.8 The next key date for the College is 7th December 2005, when their Governors will decide whether to commit to the project and proceed. The College cannot proceed with Phase 1 until Phase 2 has been given final LSC approval in November. Whilst they will be considering many areas of project risk in this key decision, they need confirmation that the Council will:-

- (i) Agree to the disposal to the College of the Council land required for the whole development, including that acquired as a result of (ii) below;
- (ii) Take all necessary action to purchase by agreement (or by way of CPO) additional adjoining land required for the scheme;
- (iii) Start formal procedures for progressing a back-up CPO for (ii).

These elements are covered in detail in para 4 below.

4 Proposal and Other Option(s) to be Considered

4.1 The new College is proposed to be located on land in the current Masterplan designated for the college elements of the Learning Quarter. The College wishes to develop (lease land, construct, own and operate) a single College of 27,096 m² (291,660 sq ft) consisting broadly of the following :

- 14,637m² Advanced Construction & Technology Centre (ACTC) to be built as Phase 1
- Phase 2 comprising a 12,459m² General FE College building including a Performing Arts facility/300 seat Community Theatre and a sports facility.
- The form of the development will accord with the design principles in the Swanswell Masterplan in relation to scale, massing, active street frontages and associated public spaces. Detailed planning permission for Phase 1 was granted on 21st July 2005 subject to a S106 agreement being completed, and an outline application for Phase 2 was submitted on 20th September 2005.
- The ACTC will house Construction, General Engineering, Vehicle Engineering including Public Service Vehicles, Telecommunications, Computing, Music and Multi-Media, and a Construction Partnership Centre. The Phase 2 building will contain Humanities, English for Speakers of Other Languages, Performing Arts, Fashion, Art and Design, Graphic Design, Students with Learning Difficulties and Disabilities, Hair and Beauty, Science, Business and Management, Health, Care & Early Years.

- A small Library, Learning Resources Centre and Student Services provision will be sited in the ACTC, but some of these facilities will be transferred to and provided in the main Phase 2 building when that is completed. The vacated spaces will be designed in such a way so as to be converted into teaching and learning spaces thus accommodating some of the planned growth in the future.
 - Staff Car parking for Phase 1 will be satisfied by the use of the existing 90 space surface level car on the east side of Bath Street. Phase 2 will require additional College and public car spaces, and this can only be accommodated by building a multi-storey car park on this site and part of the adjoining land, currently occupied by industrial units.
 - The College is planning for the ACTC (Phase 1) to be operational by September 2007 and for the Phase 2 building to be operational by September 2008.
 - Phase 1 of the development requires land currently occupied by the Church Hall on Queen Street and the Swanswell Medical Centre and car park on Swanswell Street.
 - Phase 2 will be built on land currently occupied by 2 three-storey blocks of flats comprising 12 separate units, known as Cygnet Court and Orwell Court in Swanswell Street. The Multi-Storey car park requires acquisition of land currently occupied by 2 industrial units, one at 32 Adelaide Street, and Unit 5 at Castle Place Industrial Estate, Harnall Lane East.
- 4.2 A summary of the provisionally agreed Heads of Terms is detailed in the private report. The deal is based around the Council granting a 150 year lease to the College, with them having an obligation to build the agreed development (in two phases) and to an agreed programme. The Council is required to purchase additional properties to enable the development to proceed as currently intended, and to include these in the overall disposal.
- 4.3 The additional properties constitute the City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005. A report requesting approval to make the Order is included in the Public part of your Agenda today. Subject to that approval, and in accordance with government circular 06/2004, negotiations to acquire the outstanding properties and interests will continue with the individual owners and occupiers.
- 4.4 The District Valuer has assessed the value of the land for disposal for Education purposes. The majority of the premium will be passed to AWM as they funded the Council's acquisition of the land from Whitefriars. That part of the premium that relates to properties bought by the Council in advance of, or as part of the CPO, will be retained by the Council as a capital receipt.
- 4.5 The College's development proposals require the provision of car parking. The existing 90 space surface car park on Bath Street (currently used by Whitefriars' tenants) together with a residents' car parking scheme initially funded by the College, will satisfy the requirements of Phase 1. The car park will be included in the disposal to the College. Phase 2 will require additional College and public spaces, and this can only be accommodated by building a Multi-Storey Car Park ("MSCP"). This is proposed to be located on part of the existing surface car park and on part of the Castle Place Industrial Estate between Bath Street and Adelaide Street. The industrial units on this site are therefore included in the CPO. The MSCP is to be jointly funded by the Council and the College. There are issues to resolve

on the design, location and street presence of the MSCP to ensure that the principles of the Swanswell Masterplan are met, and the funding arrangements will be determined as these issues are clarified and agreed. These details, together with the provisional arrangements for procurement and future management of the MSCP will be brought back to a future Cabinet meeting for approval. There will also be a loss of employment use on this site, which will need to be resolved through the Phase 2 planning application process. The current intention is to address this issue by including office accommodation on two elevations of the MSCP.

- 4.6 The financial implications of the disposal of land for the College's development, the risks in the College not being able to secure funding for Phase 2, and of the Council not obtaining a confirmed CPO, are detailed in the private report.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		√
Best Value		√
Children and Young People	√	
Comparable Benchmark Data		√
Corporate Parenting		√
Coventry Community Plan	√	
Crime and Disorder	√	
Equal Opportunities	√	
Finance	√	
Health and Safety		√
Human Resources		√
Human Rights Act		√
Impact on Partner Organisations		√
Information and Communications Technology		√
Legal Implications	√	
Property Implications	√	
Race Equality Scheme		√
Risk Management	√	
Sustainable Development	√	
Trade Union Consultation		√
Voluntary Sector – The Coventry Compact		√

6 Children & Young People

- 6.1 The new College is being designed to provide education facilities for young people (post secondary school). It will sit alongside a proposed new school in the Learning Quarter in order that both facilities can share and integrate facilities, for the benefit of all students.

7 Coventry Community Plan

- 7.1 The Swanswell Initiative (and its flagship Learning Quarter) is an identified key aim of the Coventry Community Plan.

8 Crime and Disorder

- 8.1 The Police advisors have worked with the College's design team, with the aim of designing out crime in the new development.

9 Equal Opportunities

- 9.1 The City College's ethos is to open up education to all. They have a particular commitment to attracting new students from disadvantaged areas and from new sections of the communities within them. This is one of the key reasons that they are relocating to the Swanswell area.

10 Finance

- 10.1 AWM funded the Council's acquisition of the former Whitefriars land that was purchased in March. As a condition of the AWM Funding Agreement AWM will automatically recover any capital receipts subsequently derived from the disposal of the former Whitefriars land.
- 10.2 The estimated cost of acquiring the additional properties is identified in the private report. Estimates for these acquisitions were built into the 2004/5 PPR and are considered to be adequate. However, it should be noted that these estimates have been prepared without any detailed knowledge of the properties and businesses to be bought/relocated. The eventual acquisition costs will be the settlement figures negotiated in accordance with the compensation code, for every compensatable interest.
- 10.3 The land derived from the future acquisitions will be sold on to the College, producing a capital receipt, which will be retained by the Council.
- 10.4 As referred to in para 4.5 above, the procurement and funding arrangements for the MSCP are yet to be determined and will be the subject of a future Cabinet report when the design and management arrangements have been provisionally agreed with the College.

11 Legal Implications

- 11.1 The legal structure of the documentation between the Council and the College is complex because neither party is in a position to guarantee either the outcome of the CPO or the availability of funding to the College.
- 11.2 The Council is required to seek AWM approval to any disposal. This has been sought and officers will report verbally if this has not been obtained by today.

12 Property Implications

- 12.1 The terms of the proposed disposal to City College are covered in the body of the private report. The proposal to make the City of Coventry (Swanswell No. 1) Compulsory Purchase Order 2005 is the subject of the next report in the public part of your Agenda today.
- 12.2 The implications of the acquisition of the Whitefriars land and the disposal to the College are also covered in the private report.

13 Risk Management

The risks identified in the Report are :

- 13.1 The College may not secure final funding for Phase 2 in which case it will not proceed with Phase 1 at this time. Discussions will need to be held with the College to resolve the position.
- 13.2 The Council may not be able to secure a confirmed CPO. Site assembly cannot then be guaranteed to the College and the development will not be able to proceed as intended. In the worst case, where there College does not proceed at all, the Council will still have a valuable development site, but the Learning Quarter element of the Swanswell Initiative will be severely compromised.

14 Sustainable Development

- 14.1 The scheme proposals are over a large area of brownfield land which would be regenerated, bringing environmental enhancement and improving the economic vitality of the area.
- 14.2 Sustainability through design, materials and management of the new complex is not only fundamental to the College's design team, but also a requirement of the LSC funding for this development.
- 14.3 The provision of a MSCP for the College and public may be viewed as a negative impact in terms of sustainable development, as it would appear to favour car transport as opposed to public transport in a city centre location. Opportunities will therefore be sought to reduce the overall impact of this structure to reflect the philosophy of the Swanswell Initiative, which strives towards the development of a sustainable neighbourhood.

15 Monitoring

- 15.1 This property disposal is being led and managed by Development Projects Section, City Development Directorate. The Swanswell Initiative Project is being led and managed by the Projects Champions Office, City Development Directorate.

16 Timescale and expected outcomes

- 16.1 If you approve this report, and the City College resolves its own project issues and internal and external approvals, Phase I should commence with enabling works in December this year and be completed by September 2007; Phase 2 to start in and February 07 and finish in September 2008.

	Yes	No
Key Decision	√	
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	√ 1 st November 2005	

List of background papers

Proper officer: *Director of City Development*

Author: Sue Ashby, Team Leader – Development, City Development Directorate

Telephone 024 7683 2777

(Any enquiries should be directed to the above)

Other contributors:

Duncan Elliott	(CDD)	☎ 2639
Tony Auty	(CDD)	☎ 2770
Clarissa Evans	(LDS)	☎ 3093
Chris Hinde	(LDS)	☎ 3020
John Daly	(F & ICT)	☎ 3990
Paul Todd	(CDD)	☎ 2763
Martin Trewinnard	(CDD)	☎ 1315
Nigel Clews	(CDD)	☎ 2708
Jaz Bilen	(CDD)	☎ 4865

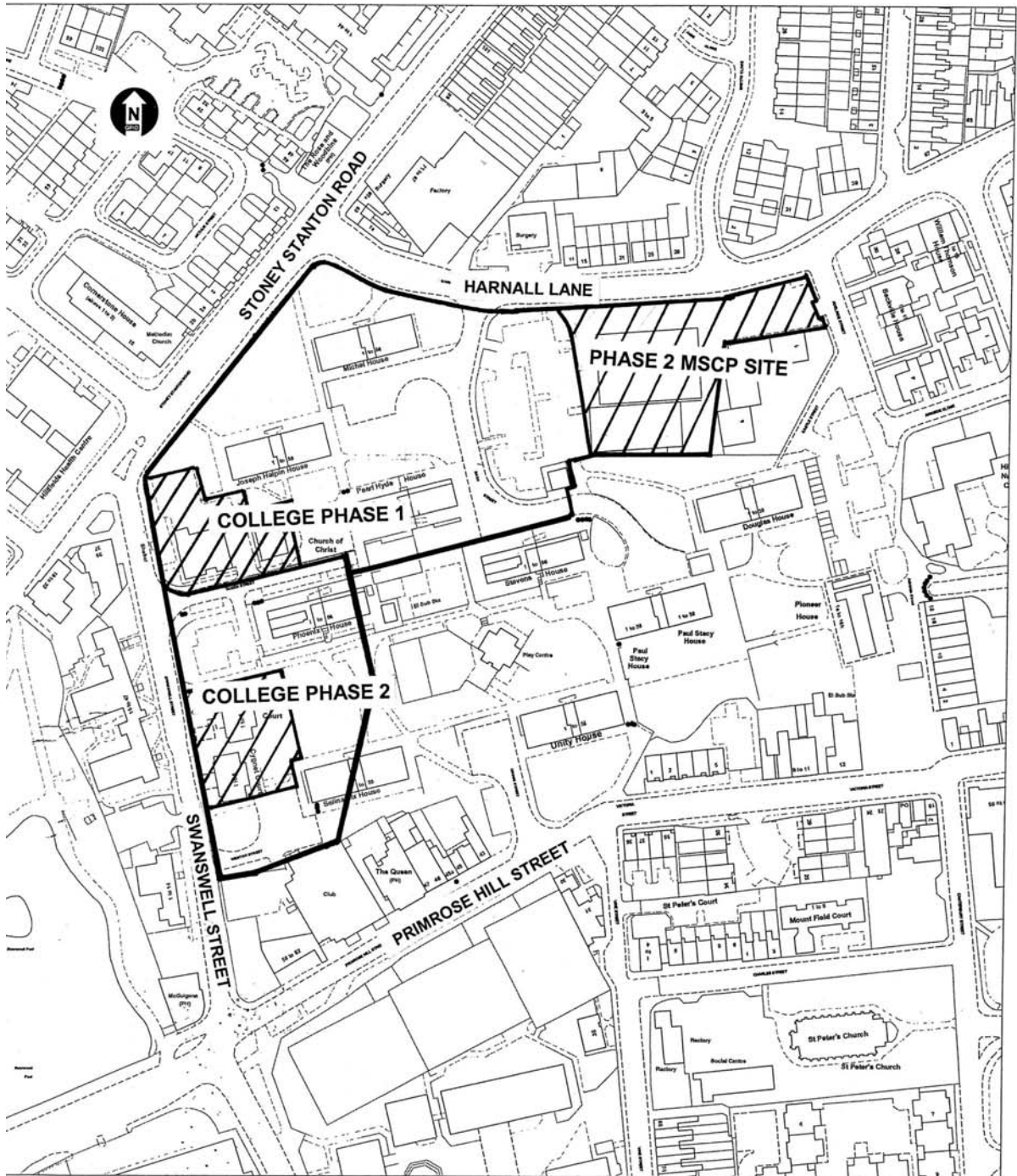
Papers open to Public Inspection

Description of paper

Draft Swanswell Initiative Masterplans (July 2004; and latest March 2005 versions)


Location

CDD – D. Elliott (ext: 2639), & Council Web-Site for March 2005 version (see Swanswell Initiative homepage).



CITY DEVELOPMENT DIRECTORATE
 DEVELOPMENT PROJECTS
 4th FLOOR CIVIC CENTRE FOUR
 HUCH PARK STREET
 COVENTRY CV1 2PY
 24 7683 2751
 John McGuigan - Director of City Development
 Assistant Director (Projects) - Martin Bullock



Title: Additional Land Subject to CPO  **For Identification Purposes Only**

Checked	Approved	Rev. No.	Rev Date
Scale = 1:2000		Drawn by Sue Ashby	
O.S. Ref. No: SP		Dwg No	
		Date 16/09/2005	

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Report to

18th October 2005

Cabinet

Report of

Director of City Development

Title

City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005

St Michaels Ward

1 Purpose of the Report

This report seeks your approval for the compulsory acquisition of property and interests to facilitate the delivery of the Swanswell Initiative Learning Quarter.

2 Recommendations

The Cabinet are asked to refer the matter for consideration at full Council on 1 November 2005 with the following recommendations:

Full Council are asked to:

- 2.1 Authorise the making of the City of Coventry (Swanswell No 1) Compulsory Purchase Order 2005 ("the Order") under Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 in respect of the lands coloured pink on the plan marked " Map referred to in the City of Coventry (Swanswell No1) Compulsory Purchase Order 2005" displayed at your meeting.
- 2.2 Authorise the Director of City Development and the Director of Legal and Democratic Services to advertise the Order and submit it to the First Secretary of State in accordance with the Acquisition of Land Act 1981 and to take all necessary steps to secure the confirmation and implementation of the Order, including, if necessary, presentation of the Council's case at public inquiry.
- 2.3 Agree that, notwithstanding the previous recommendations, attempts continue to be made to acquire the land interests by agreement in accordance with government circular 06/2004.

2.4 Agree the Statement of Reason For Making the Order, appendix B, and note the schedule of interests to be acquired as set out in Appendix A.

3.0 Information/Background

3.1 At its meeting on the 17th August 2005, Cabinet agreed to support and facilitate the availability of land in order for the new City College to be built as a key element of the Swanswell Initiative.

3.2 The Planning position of the Order Land is set out in detail in the Statement of Reasons, Appendix B

Briefly this document includes: -

- A description of the CPO ' Order Land' site
- A justification of the need for the CPO powers
- A description of the Swanswell Initiative proposal
- The Authority's purpose in seeking to Acquire the Order Lands
- Human Rights Act consideration
- The planning context, and current planning position. This makes reference to Government statements and policies within the Coventry Development Plan 2001 (CDP), which support these proposals. Principally, these consist of PPS 1 and CDP policies SCL6 and SCL7 as well as more general CDP policies, which relate to various detailed aspects of the development.
- Related Highway Closure Orders

3.3 Before the Order can be formally confirmed, outline planning permission for Phase 2 City College, to include a Multi Storey Car Park, needs to be granted and this will be pursued by City College. Their application was valid from 20 September 2005. On 21 July 2005, Planning Committee granted planning permission for Phase 1, subject to conditions and a S106 Agreement being concluded.

4.0 Proposal and Other Option(s) to be Considered

4.1 The Scheme is described in Section 5 of the attached Statement of Reasons.

4.2 Compulsory Purchase powers are sought under:

Section 226(1) (a) of the Town and Country Planning Act 1990 for authority to compulsorily purchase land which is required to secure the carrying out of redevelopment in accordance with the scheme detailed in the attached Statement of Reasons.

4.3 A Compulsory Purchase Order is needed to ensure that the site can be assembled and vacant possession of the required areas delivered at market value, by the due date, to permit the College development to proceed on programme and to give it certainty, in order that the College can secure funding. The Order includes all outstanding private sector property interests within the development area.

4.4 Purchases by agreement in advance of the Order will continue to be undertaken, where possible.

4.5 All parties affected by the proposals have been formally referenced and are aware of the scheme.

4.6 If Cabinet do not resolve to make the Order under the enabling power, then the scheme will not have certainty in its programming. This would mean that either that the scheme may not proceed at all or that it may be protracted to an unacceptable degree and/or ransom values may be sought by the owners of the affected parties.

5.0 Other specific implications

	Implications (See below)	No Implications
Area Co-ordination		✓
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan	✓	
Crime and Disorder		✓
Equal Opportunities		✓
Finance	✓	
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications	✓	
Property Implications	✓	
Race Equality Scheme		✓
Risk Management	✓	
Sustainable Development	✓	
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.1 Coventry Community Plan

5.1.1 The Order will assist with implementing the scheme which will support Theme 2 of the plan (Learning and Training, developing people and their skills).

5.2 Financial Implications

5.2.1 The site assembly costs will be borne by the Council as the Acquiring Authority. These will be met from within the existing funding already committed to the scheme.

5.3 Legal Implications

5.3.1 The making of this Order follows the statutory process set down in the Acquisition of Land Act 1981, as amended by the Planning and Compulsory Purchase Act 2004.

5.3.2 The enabling power in S226 (1) (a) Town and Country Planning Act 1990 (as amended) is being used as, by resolving to make this Order, the Acquiring Authority thinks the scheme will improve the economic and environmental well being of the Swanswell area. Accordingly, the Acquiring Authority believes that there is a compelling case in the public interest to make the Order, which outweighs the loss of the private sector landholdings. In this case, the Acquiring Authority considers that the resolution to make the Order does not breach the Human Rights Act.

5.3.3 The timescale is very tight for Coventry College to secure its funding and meet the opening date for the September term start and for the Council to secure the Order and acquire the properties, so there can be no slippage in the timescale.

5.4 Property Implications.

5.4.1 The Order Lands contain a diverse range of property uses, which need to be acquired. Several business and residential occupiers will need to be relocated and Council officers will work with the relevant parties to try to find suitable alternative accommodation for them.

5.4.2 If the Council, as acquiring authority, purchases Orbit's interest in plot 5, subject to tenancies, then the Council will have a duty to rehouse the occupiers under S39, Land Compensation Act 1973 before possession of their properties can be taken. This applies equally if the Council were to acquire Orbit's interest by agreement or under a confirmed Order.

5.4.3 In the interim, the Council and Orbit are working together to rehouse the tenants by agreement within Orbit's existing stock literally over the road. Four of the tenants are in purpose built disabled accommodation and the Council is seeking to identify alternative accommodation within a new development close by which can be adapted to meet the affected parties needs. Such adaptations will be funded by the Acquiring Authority in accordance with S45, Land Compensation Act 1973.

5.4.4 In accordance with statute and case law, appropriate compensation will be agreed and paid to the affected parties.

5.5 Risk Management

5.5.1 It is possible that the occupiers of plots 1,2 and 3 could serve a statutory Blight Notice, which would compel the Council, as local planning authority, to acquire their respective interests. This would occur after the Order has been submitted to the ODPM for confirmation. Therefore, there is the risk that the Council could be compelled to acquire any or all of the qualifying properties and either the CPO is not confirmed or the scheme does not proceed. In this case, under the Crichel Down Rules, the industrial units and the Medical Centre would be offered back to the original freeholders and the ground lessee and, if they did not wish to repurchase, the properties could be relet or sold.

5.5.2 It is also government guidance that the Council, whilst running the CPO process, should seek to acquire by agreement wherever possible. Hence, the aforementioned risk equally applies under this scenario.

5.5 Sustainable development

5.5.1 The scheme proposals are over a large parcel of brownfield land, which would be regenerated, bringing environmental improvements and improving the economic vitality of the area.

6.0 Monitoring

6.1 The project will managed by the Project Champion for the Swanswell Initiative to ensure all procedures and deadlines are met.

7.0 Timescale and expected outcomes

7.1 Key dates for the successful delivery of the CPO are as follows:

- Serving of Notices by Jan 06
- Submission of the CPO to First Secretary of State Late Jan 06
- Possible Public Inquiry Procedure Mar 06 upto Oct 06
- Confirmation of CPO Nov 06
- Obtaining title under a General Vesting Declaration Jan 07
- Sale of land to City College Feb 07

Note the above timescales are largely dependant on the performance of the office of the First Secretary of State, but are based on past performance of other CPO's.

7.2 The expected outcome is the successful purchase of the required properties, either by negotiation or CPO to enable phase 2 of the City College to proceed.

	Yes	No
Key Decision	√	
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	√ 1 November 2005	

List of background papers

Proper officer: John McGuigan, Director of City Development

Author: Paul Todd, Group Leader (Acquisitions & Disposals),
City Development Directorate

Telephone ext 2763

(Any enquiries should be directed to the above)

Other contributors:

Nigel Clews, Head of Property Assets, City Development Directorate	Tel:024 7683 2708
Chris Hinde, Director of Legal and Democratic Services	Tel: 024 7683 3037
Lara Knight, Legal and Democratic Services	Tel: 024 7683 3237
Jasbir Bilen, Human Resources	Tel: 024 7683 2145
Clarissa Evans, Commercial Group Manager, Legal and Democratic Services	Tel: 024 7683 3091
Kathryn Sutherland, Special Projects Finance Manager Finance and ICT Directorate	Tel: 024 7683 3937
Martin Trewinnard, Senior Policy Planner, City Development Directorate	Tel: 024 7683 1315
Duncan Elliott, Project Champion, City Development Directorate	Tel: 024 7683 2763
Sue Ashby, Team Leader Development, City Development Directorate	Tel: 024 7683 2777
John McGuigan, Director of City Development	Tel: 024 7683 1200

Papers open to Public Inspection

Description of paper	Location
Draft Swanswell Masterplan	Floor 4 CC4
Previous Cabinet reports relating to Swanswell 10/12/02, 17/8/04 15/2/05	Floor4 CC4

Report to
Cabinet

18th October, 2005

Report of
Director of Legal and Democratic Services and Director of Finance and ICT

Title
Review of Members' Allowances

1 Purpose of the Report

- 1.1 This report requests the Cabinet to give further consideration to some of the recommendations of the Independent Remuneration Panel from November 2003, which had been deferred by the City Council at their meeting on 16th December, 2003, pending the outcome of Single Status, and having done so, to recommend to full Council amendments to the Scheme of Members' Allowances backdated to the date of the Annual General Meeting of the Council, 17th May, 2005.
- 1.2 The Cabinet is also requested to recommend the Council to take no further action on the other recommendations of the Independent Remuneration Panel, including the recommendations on access to the Local Government Pension Scheme, and request the Panel to meet to consider the Members Allowance Scheme in the Municipal Year 2006/2007.

2 Recommendations

- 2.1 To consider the recommendations of the Independent Remuneration Panel in relation to the following and to recommend to Council amendments to the Scheme of Members' Allowances backdated to 17th May, 2005, (the date of the Annual General Meeting of the Council):-
 - Increase Special Responsibility Allowance for the Chairs and Deputy Chairs of Licensing and Regulatory and Planning Committee to the same rate currently paid to Chairs and Deputy Chairs of Scrutiny Boards i.e. £5,877 and £2,350, respectively (a total increase in costs of £7,640).
 - Introduce Dependants' Carers' Allowance (an anticipated minimal cost)
 - Introduce Co-optees' Allowance (at an estimated cost of up to £5,950)
 - Introduce a Special Responsibility Allowance for the Deputy Chair of Scrutiny Co-ordination Committee at the same level paid to other Deputy Chairs i.e. £2,350 (at no cost in the current year as the post holder is also the Chair of a Scrutiny Board and would only be entitled to one Special Responsibility Allowance)

- 2.2 To recommend to Council the hourly rate for the Dependant Carers' Allowance for both childcare and other dependants and to approve the draft scheme appended to the report.
- 2.3 To recommend to Council that they defer a decision on whether or not to approve access for Councillors to the Local Government Pension Scheme pending further consideration of the Allowance Scheme by the Panel (2.6 refers)
- 2.4 To clarify whether all co-opted Members should receive a co-optees' allowance.
- 2.5 To recommend the Council not to take any further action on the other recommendations in the Independent Remuneration Panel's report.
- 2.6 To request the Independent Remuneration Committee to meet in the Municipal Year 2006/2007 to further review the Scheme of Members Allowances and to make appropriate recommendations.

3 Information/Background

- 3.1 Cabinet, on 29th July, 2003, approved an independent review of Members' Allowances being carried out by an Independent Remuneration Panel and the appointment of Dr Declan Hall as consultant/advisor to the Panel. Dr Hall has substantial experience of dealing with Members' Allowances.
- 3.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 which came into effect in May 2003 required the City Council to have regard to the recommendations of the Independent Remuneration Panel before it introduced a Members' Allowance Scheme although the City Council is not obliged to adopt any recommendation that the Panel may make.
- 3.3 Council on 16th December, 2003, deferred consideration of the proposals pending the outcome of Single Status and made a scheme based on the previous year's scheme updated to reflect the 2003 pay award. Whilst there are still on-going discussions relating to Single Status it is proposed that a number of the recommendations can now be taken forward.
- 3.4 So as to present a full picture of the allowances paid by the City Council it should be noted that an allowance is paid to the Lord Mayor to cover the expenses of both the Lord Mayor and the Lady Mayoress and is currently £29,520. This does not form part of the Allowances Scheme as it is not covered by the Regulations. The Lord Mayor does not receive a basic or any other allowance. The allowance, as with all other member allowances, is increased annually in line with the national pay award for local authority staff.
- 3.5 In addition to the basic allowance (and any Special Responsibility Allowance if appropriate) the Deputy Lord Mayor receives an additional annual allowance of £12,195 not covered by the Regulations. This is also subject to the same annual increase as the Lord Mayors, and other members allowances.

4 Proposal and Other Option(s) to be Considered

4.1 The recommendations of the Independent Remuneration Panel in relation to basic and special responsibility allowances are summarised below. **These figures have been updated from the 2003 figures to reflect the national pay awards of 3% and 2.95% made to Council staff in 2004 and 2005 respectively.**

	Current	Recommended (taking into account previous recommendation updated for pay awards)
Basic Allowance	£11,757	£12,513 (on the basis that current telephone line rental and stationary allowances are discontinued)
Special Responsibility Allowances		
Leader	£21,162	£25,450
Deputy Leader	£15,282	£17,815
Cabinet Members	£9,406	£12,725
Chair of Scrutiny Co-ordination Committee	£9,406	£8,908
Leader of Opposition Group	£3,526	£8,908
Chairs of Scrutiny Boards	£5,877	£7,635
Chair of Planning Committee	£3,526	£7,635
Chair of Licensing and Regulatory Committee	£2,350	£7,635
Deputy Chair of Scrutiny Co-ordination Committee	N/A	£2,970
Deputy Chairs of Scrutiny Boards	£2,350	£2,545
Deputy Chair of Planning Committee	£1,763	£2,545
Deputy Chair of Licensing and Regulatory Committee	£1,175	£2,545
Leader of other Opposition Group (+10 Members)	N/A	£2,545
Leader of other Opposition Group (5-9 Members)	N/A	£1,273
Member Responsible for Standards	£2,350	Discontinued

4.2 The Independent Remuneration Panel produced a comprehensive report setting out the basis of their deliberations and the statutory guidance in relation to Special Responsibility Allowances (SRA). The recommendations were based on considerations as follows:

- In arriving at the Leaders SRA the Panel were satisfied that there was a proven case for a full-time Leader and considered different approaches (time based, comparative (compared to national and West Midlands Metropolitan Borough Councils and near neighbours) analogy (compared to other public roles) and factor (by factoring the recommended basic allowance)).

The Panel, having considered all approaches in reaching their recommended figure, still considered that this was relatively low when compared with peers in "near neighbour" authorities and on a par with other West Midlands Districts.

- In relation to other positions, as suggested in the statutory guidance, the Panel arrived at the recommended SRAs for other post holders by relating their roles to that of the Leader's. This is the most common approach utilised by Review Panels and the results were as follows:

Deputy Leader	-	70%
Cabinet Members	-	50%
Scrutiny Co-ordination Committee Chair	-	35%
Scrutiny Board Chair	-	30%
Chair of Planning Committee	-	30%
Chair of Licensing and Regulatory Committee	-	30%
Leader of the Opposition	-	35%

- The Deputy Chairs recommended SRAs were calculated at 33.33% of the Chairs' allowances.

4.3 The other recommendations of the Panel can be summarised as follows: -

- That a Dependant Carer's Allowance be devised for Coventry City Council.
- That travel and subsistence allowances be paid at the same rate as Officers.
- That a co-optee's allowance of £425 (£400 plus pay awards for 2004 and 2005) per annum be paid to the co-opted (independent) members of Standards Committee and the co-opted members on Children's Services, Supported Community Services and Health and Housing Scrutiny Board. (The Council will need to decide whether to extend this recommendation to cover other Scrutiny Boards)
- That the Panel support the principle that all Members shall be eligible to join the Local Government Pension Scheme.
- That from 2004 the basic allowance, special responsibility allowance and co-optees' allowances be automatically increased by the annual local government pay percentage increase agreed each April.
- That if a Member is suspended, the Standards Committee are empowered to suspend in whole or part the allowance payable to that Member.

4.4 The Regulations allow amendments to a scheme to be backdated to the start of the Municipal Year.

4.5 The Cabinet is requested to consider agreeing to the following recommendations for the reasons given:

4.5.1 Increases in the special responsibility allowances payable to the Chairs and Deputy Chairs of Licensing and Regulatory Committee and Planning

Committee to the same level as the Chairs and Deputy Chairs of Scrutiny Boards based on the heavy workloads of these Councillors which the Panel felt had been undervalued.

4.5.2 The payment of a dependant carers allowance on the following grounds as set out by the Panel:

- It sends out the message that the Council is serious in attempting to attract and retain candidates from a wider cross section of the community.
- The law explicitly supports this allowance and implicitly encourages it.
- Members' individual circumstances could change through no fault of their own and this should not prevent them from carrying on as an Elected Member.
- It is a common recommendation by most Independent Remuneration Panels.
- It would not impose a great financial burden at the Council.

A draft scheme is appended to the report

4.5.3 The payment of a Co-optees allowance of £425 per year to remove a potential barrier to public service in a context where the Council is struggling to find co-optees.

4.5.4 The payment of a Special Responsibility Allowance to the Deputy Chair of Scrutiny Co-ordination Committee at the same level of payment for other Deputy Chairs in view of the fact that the post carries the same responsibility.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		✓
Best Value		✓
Comparable Benchmark Data	✓	
Corporate Parenting		✓
Coventry Community Plan		✓
Crime and Disorder		✓
Equal Opportunities	✓	
Finance	✓	
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓

	Implications (See below)	No Implications
Legal Implications	✓	
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 Comparable Benchmark Data

These were used during the course of the review.

5.3 Equal Opportunities Implications

The proposals in the Allowance Regulations are designed to increase the equality of opportunity available to Council Members by introducing allowances such as dependant carer's allowances.

5.4 Financial Implications

- 5.4.1 The additional costs in 2005/06 of the recommendations for SRA's for Licensing and Regulatory and Planning Committee Chairs and Deputy Chairs and co-optees' allowances (for all 14 co-optees) are estimated at £13,590 which can be met from existing resources.
- 5.4.2 There will be costs associated with the Dependant Carer's Allowance but it is anticipated that these will be minimal.

5.5 Legal Implications

The Council were required to consider the recommendations of the Panel and adopt a scheme by 31st December, 2003. The Council deferred consideration of the recommendations pending the outcome of single status. However, a scheme was adopted in 2003 based on the previous scheme, updated to reflect the 2003 local government pay award.

6 Monitoring

- 6.1 Members' Allowances must be reviewed by the Independent Remuneration Panel before the expiry of 4 years i.e. by May 2007. However it is being recommended that the Panel be requested to meet and consider allowances after the Municipal Elections in 2006.
- 6.2 The Standards Committee will be empowered to suspend allowances if a Member is suspended.

7 Timescale and expected outcomes

- 7.1 The City Council will consider the recommendation on 1st November, 2005 and amend the current scheme if they wish to adopt some of the recommendations of the Independent Remuneration Panel.
- 7.2 The expected outcomes are a robust Scheme of Members Allowances, which will reflect in part the Review by the Independent Remuneration Panel.

List of background papers

Proper officer: Director of Legal and Democratic Services

Author: Sharon Venters, Legal and Democratic Services Manager

Telephone 02476 833066

(Any enquiries should be directed to the above)

Other contributors:

Chris Hinde, Director of Legal and Democratic Services Directorate

Chris McKay, Finance and ICT Directorate

Steve Thomas, Finance and ICT Directorate

Colin Watkeys, Finance and ICT Directorate

Papers open to Public Inspection

Description of paper

Report of Independent Remuneration Panel –
November 2003

Location

Council House Room 61

Dependant Carers' Allowance Scheme – Draft

- A. Councillors may claim a dependant carers' allowance where they incur expenditure on the care of children or other dependants when undertaking the following approved duties:
- (1) All formal meetings of the Council where the attendance of the Councillor is required.
 - (2) Any Working Groups/Review Groups/Consultation meetings arranged by the Council which the Councillor is required to attend.
 - (3) Attendance at training sessions, seminars, briefing meetings organised by the Council.
 - (4) Attendance at Conferences organised or approved by the Council and/or Cabinet.
 - (5) Attendance at meetings of other bodies, including School Governors meetings, where the Councillor has been appointed by the Council as a representative of the Council.
 - (6) Briefing/Consultation meetings with Officers by Cabinet Members or members with special responsibility holding appointed positions.
 - (7) The carrying out of any other duty approved by the Council or any duty of a class so approved, for the purpose of, or in connection with the discharge of the functions of the Council.
- B. The allowance that can be claimed will be:
- For the dependant care of a child (under the age of 14) the actual costs that are incurred but not exceeding the hourly rate for the national adult minimum wage. (From October 2005 this will be £5.05 and it is proposed that this rate is increased on an annual basis in line with the minimum wage increase for adults aged 22 and over)
 - For the professional care of a dependant relative, the maximum hourly rate will be the Council's hourly rate for a Home Care Assistant.
- C. A written declaration will be lodged with the Standards Committee by a Councillor intending to claim the allowance.
- D. The care can only be provided for a person who normally lives with the Councillor as part of their family.
- E. The carer cannot be a member of the Councillor's immediate family or a person normally resident at the Councillor's home address.
- F. Receipts must be provided with all claims and the claim must be made within two months from the date for which the allowance is claimed.



Cabinet
Scrutiny Board
Council

18th October 2005
5th October 2005
1st November 2005

Report of

Director Of Legal and Democratic Services
Director Of City Development

Title

Possible Changes to the Use Classes Order: Casinos

1 Purpose of the Report

- 1.1 To inform the Cabinet of the possible changes to the Use Classes Order for Casinos and to explain what these changes could mean to Coventry and to agree the response to the consultation.

2 Recommendations

The Cabinet are recommended to respond to the consultation supporting option 2.

3 Information/Background

- 3.1 The background to the proposed changes to Use Classes Order is the Gambling Act 2005, which will permit 3 categories of new casinos to operate in Britain. At present the legislation will allow one very large regional (national) casino, along with 8 large and 8 small casinos. The Act will introduce a new 3 fold licensing regime, 2 elements of which will be administered by the Gambling Commission and the 3rd, relating to premises licensing will be the responsibility of Local Authorities.
- 3.2 This report is a summary of the Consultation Paper which was produced in July 2005 by the Office of the Deputy Prime Minister on the planning aspect
- 3.3 As part of the fundamental review of gambling the Government indicated its intention to review the classification of casinos within Planning Legislation.
- 3.4 Members will be aware that the Planning Permission for the Ricoh Arena development includes a casino, which is of a size, which could accommodate a regional size casino once the national licensing arrangements are in place. Fit out is currently underway for a casino of the maximum size permitted under the present licensing regime.

4 Proposal and Other Option(s) to be considered

- 4.1 The summary of the document is intended to help the Cabinet decide which of the three option offered would be the most beneficial to the City.
- 4.2 Basically the Use Classes Order lists under various categories similar types of development, where it is considered that a change of use from one use to another within the same use class will not cause any major problem of planning policy, amenity or traffic generation. In such cases Planning Permission is not required to change from one use to another.
- 4.3 At present casinos are within Use Class D2 – Assembly and Leisure, which also includes Cinemas, Concert Halls, Bingo Halls, Dance Halls, Swimming Baths, Skating Rinks and Gymnasiums.
- 4.4 In the light of the new Gambling Bill and their review of the Use Classes Order the Government now feel that casinos should be given a different classification in order to: -
- ☐ Control proliferation
 - ☐ Reflect the uniqueness of casinos as a land use
 - ☐ Manage uncertainty
 - ☐ Derive effective controls to mitigate against adverse planning impact
 - ☐ Allow the capture of development benefits for the wider community.
- 4.5 The Government have proposed 3 options: -
1. No change to the current arrangements
 2. Define casinos as "sui generis" with no permitted development rights. In effect this means that casinos would be a separate use of their own outside the scope of the Use Classes Order and Planning Permission would also be required for their establishment of change of use to anything else.
 3. Define casinos as "sui generis" but with permitted development rights which would also be a change to anything else with Class D2
- 4.6 You are recommended to respond to the Government in support of Option 2. This would ensure that the City Council as the Local Planning Authority would be able to fully assess the impact of any change to or from a casino, in policy, amenity and traffic terms, and apply condition or secure obligations under Section 106 when and where appropriate.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination	√	
Best Value		√
Children and Young People		√
Comparable Benchmark Data		√
Corporate Parenting		√
Coventry Community Plan	√	
Crime and Disorder	√	

	Implications (See below)	No Implications
Equal Opportunities		√
Finance	√	
Health and Safety		√
Human Resources		√
Human Rights Act		√
Impact on Partner Organisations		√
Information and Communications Technology		√
Legal Implications	√	
Property Implications	√	
Race Equality Scheme		√
Risk Management		√
Sustainable Development		√
Trade Union Consultation		√
Voluntary Sector – The Coventry Compact		

5.2 Area Coordination

The decision on whether to change the Use Classes order for Casinos will impact on each of the Area Coordination areas as most D2 use classes are situated in Urban areas and any changes to the rules will impact on these area and the people within them.

5.3 Coventry Community Plan

Any changes brought in could have an impact on the objectives set out in the community plan. The range of entertainment and quality of life could be effected as well as the potential for increases/decreases in crime and anti-social behaviour

5.4 Crime and Disorder

Any changes to the Use Classes Order could lead to an impact on the amount of crime there is in an area. For example if a cinema was converted to a casino under the new rules, there would be a different clientele frequenting the area with varying times where the area would be popular. This could lead to change in the levels of crime and disorder in an area

5.5 Finance

The Use Classes order could have an impact on finance for the Council as companies would no longer need to buy property and seek planning permission for a Casino, they could just purchase an existing D2 use property and convert it to a Casinos. This could also mean that regeneration benefits would not come into play.

5.6 Legal Implications

The proposed changes to the Use Classes Order could have legal implications for the Council depending on the outcome of the consultation. The new rules would require new planning legislation and also development rights would also have to be looked at.

5.7 Property Implications

The results of the Consultation would have a big impact on property, as owners may be able to convert buildings into Casinos without planning permission. This may lead to proliferation in some areas, which could cause problems. The knock on effects of the changes to properties may also have some implications for the Council.

6 Monitoring

The progress of the consultation will be monitored and results fed back to the Cabinet.

7 Timescale and expected outcomes

The document outlines the fact that the Government wants this consultation completed as soon as possible in order to bring forward changes the use classes order ASAP.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	√ Scrutiny Board 3 5th October 2005	
Council Consideration (if yes, date of Council meeting)	√ 1st November 2005	

List of background papers

Proper officer: *Chris Hinde Director Legal and Democratic Services*

Author: Graham Aylott, Cabinet Researcher, Member Support Telephone 024 7683 3335
(Any enquiries should be directed to the above)

Other contributors:

Mark Smith - LDS

James Russell - CDD

Sharon Venters - LDS

Lesley Wroe - CDD

David Lathbury -CDD

Papers open to Public Inspection

Description of paper

Location

Possible Changes to the Use Classes Order – Casino's

Background

The Town and Country (Use Classes) order 1987 sets out classes of uses, changes within which do not require planning permission due to the similarity in their impact on local amenity, for example: traffic generation, noise and visual appearance.

Casinos are currently classed as a D2 leisure under the use classes order. This means a D2 use could convert to casino use without the need for planning permission. Given the proposed changes to Casino licensing and the new types and sizes of casinos that will be allowed under the gambling act 2005, the government is considering whether such a classification remains the most appropriate.

The changes relate to England only.

Current Policy

Casino's are within the D2: Assembly and Leisure use class. Others in this category are Cinemas, Concert Halls, Bingo Halls, Dance Halls, Swimming Baths, Skating Rinks, and Gymnasiums. So all of these can change to a casino without any planning permission, and vice versa.

The Governments review has demonstrated that outside of licensing controls, this flexibility in change of use is seen as a potential loophole in the control of casinos. There is a concern that planning controls on their own would not be strong enough to prevent proliferation or the location of casinos in unsuitable areas.

The case for change

The review indicated that current land use impacts of the casino industry are minimal. Casinos are located in tightly defined urban areas, all require membership and are generally small and well run. There are no anti-social problems associated with alcohol in casinos which means there are few examples of adverse land use impacts arising from casinos although there are also few examples of positive land use benefits arising from casinos

From this evidence the setting of casinos with the D2 use is thought appropriate. The impact of casinos under the new regulatory environment envisaged by the Gambling act is however considered to be potentially very different with the new casinos becoming a unique type of development.

New Casinos are expected to be much larger than before and therefore attract more visitors. The gambling act also enables casinos to operate as part of a much larger, mixed use, leisure destination particularly in the case of regional casinos. In cases like these the impact will not arise just from the casino but from a variety of other uses such as restaurants, leisure complexes, entertainment and hotels

The review has also highlighted concern over the proliferation of casinos and that the new casino legislation encourages more casinos and limits control over the gambling offer. It is also felt that this proliferation could undermine the potential for capturing regeneration benefits as businesses would simply covert an existing D2 use.

The main positive regeneration benefit of all casinos is the incentive to maximise the opportunity to capture them. One of the best ways of doing this is to use section 106 agreements, which are binding between Councils and Developers required to secure planning permission. This can take the form of infrastructure elements built as part of the development or monetary. Another way of doing this would be competitive bidding with the promise of regeneration benefits as part of a large scheme. However these methods can both be undermined if individual operators were able to convert from a Class D2 use to a casino without the need to secure planning permission for a change of use. Simply put if Casino operators were able to operate without regeneration benefits there would be no obvious incentives for promising them.

The proliferation of casinos in Town Centres – by the conversion of existing D2 uses – could also have a detrimental effect on the Town Centre with planners not having any powers to mitigate against such risks.

In Town Centres the impact of casinos depend on the scale and size of the particular site and the ability of the Town Centre to absorb the effects of the casino development such as car parking and transport.

In terms of the impacts of casinos on public amenity, this could include increased noise; alcohol induced anti-social behaviour, litter and visual amenity. The overall ODPM review was that amenity of impacts of individual casinos would not be significant, indeed it was stated that Casinos had a civilising effect on the local community in encouraging older age groups to visit Town Centres.

The ODPM review identifies concerns over the possible loss of D2 uses if the UCO remains unchanged and there is a significant increase in the number of casinos. It was felt that this could have a knock on effect for the character of Town Centres throughout Britain. Such D2 conversions could change the nature of the Town Centre with many established uses potentially disappearing such as Cinemas, Bowling alleys and bingo halls. In the longer term this could undermine Town Centre viability.

The Governments view is that there is a case to change the use classes order in relation to casinos in order to counter proliferation, to enable the management of adverse impacts, to enable the capture of regeneration benefits for all casinos, to account for the uniqueness of casinos and dispel uncertainty.

Options for Change

Following the review the ODPM has found there is general support for changes to the classification of Casinos within the Use Classes Order. This is for these reasons

- To control proliferation (in the longer term)
- To reflect the uniqueness of Casinos as a planned land use following the gambling act
- To manage uncertainty
- To derive effective controls to mitigate against adverse planning impacts
- To allow for the capture of development benefits for the wider community (by removing permitted development rights)

Fundamentally the wish to change the use classes order is based on the concern to prevent the development of a new breed of casinos through the back door i.e. via conversions from other class D2 uses.

The OPDM have identified three options for the future classification of Casinos within the planning system

- Option 1 No change – Casinos should remain to be classified as a D2 leisure use within the use classes order
- Option 2 All Casinos are treated as sui generis with no permitted development rights
- Option 3 all casinos are treated as sui generis but permitted development rights are retained to allow a casino to switch to any class D2 use without the need to express planning permission.

The Government believes that a change to the classification of casinos within the use classes order would create a degree of certainty for clarity for both the planning system and operators. No change would also be an option but it fails to address the concerns highlighted by the review of current classification.

The Governments preferred option is option 3

It is the Governments belief that this option would best meet concerns about the value of an operator's asset base in the event that a new or enlarged casino did not succeed. It would also go some way to ensuring that Town centres remain vibrant should the new casinos fail as the Sites could be quickly turned to other leisure ventures.

Timing

The Government recognises that although the short term pressure to change the classification of casinos due to the risk of proliferation has been addressed by the limit on the numbers of the first casinos there is still a great deal of uncertainty for operators and the owner of D2 uses.

It is the Governments intention to bring forward changes to the use classes order as soon as possible subject to the outcome of the consultation. The attached sheet is the consultation sheet asking people to choose the option they think is most applicable.

Report to

Cabinet
Scrutiny Board 1
Council

18th October 2005
19th October 2005
1st November 2005

Report of

Director of Legal and Democratic Services

Title

Response to the Electoral Commission Consultation Paper - Periodic Electoral Reviews

1 Purpose of the Report

- 1.1 This report asks the City Council to submit a response to the Electoral Commission in relation to the Consultation Paper on Periodic Electoral Reviews which the Commission issued on 2nd September 2005. The report seeks the views of both Cabinet and Scrutiny Board 1 so that they can make appropriate recommendations to full Council. The deadline for the submission of responses is Friday 25th November 2005.

2 Recommendations

For Cabinet:

- 2.1 To recommend Cabinet to consider the draft response attached as Appendix 2 to this report.
- 2.2 To make such recommendations as Cabinet considers appropriate to full Council to assist it in the consideration of the issues.
- 2.3 To refer the draft response, together with Cabinet's comments to full Council so that a response can be submitted to the Electoral Commission by the deadline of 25th November 2005.

For Scrutiny Board 1:

- 2.4 To recommend the Scrutiny Board to consider the draft response attached as Appendix 2.
- 2.5 To submit any comments and/or recommendations they have on the proposed response to the full Council meeting on 1st November 2005.

For Council:

- 2.6 To approve a response to the consultation document issued by the Electoral Commission being made on behalf of the City Council taking into account all comments received and to delegate authority to the Director of Legal and Democratic Services to finalise that response in the light of the Council's views.

3 Information/Background

- 3.1 The Electoral Commission is an independent body established by Parliament whose mission is to foster public confidence and participation by promoting integrity, involvement and effectiveness in the democratic process. In 2002, the Boundary Committee for England was established as a formal committee of the Electoral Commission. This Committee took over the work which had formally been carried out by the Local Government Commission for England. The Committee's principal role is to undertake a rolling programme of period electoral reviews which examine the electoral arrangements of every local authority in England. The programme of reviews started in 1996 and concluded in October 2004 by which time the Commission had undertaken some 386 reviews. Although legislation had previously provided that reviews should be undertaken at intervals of not less than 10 years and not more than 15 years, this requirement was repealed in 2000. Indeed, for most local authorities, whose boundaries had not changed significantly, the review undertaken as part of the rolling programme was the first for over 20 years. In the case of the City Council, the period electoral review was undertaken in 2002 and the changes proposed came into effect with the 2004 local elections.
- 3.2 Now that the programme of periodic electoral reviews has been completed, the Commission has begun a "comprehensive evaluation of the policies and processes used to guide" reviews. The Commission is keen to seek views as to whether the approach it has adopted in relation to reviews is still valid or whether the methodology could be improved. As part of the work it is undertaking, the Commission has issued a consultation paper which poses 14 questions for respondents to express an opinion on. A copy of this consultation paper is attached as appendix 1 and a suggested draft response is attached as appendix 2.
- 3.3 In undertaking periodic electoral reviews, the Boundary Committee is bound by law to take into account certain criteria. In particular, when making recommendations for any changes to the electoral arrangements of County, Metropolitan, District and London Borough Councils, the Commission is required to have regard to:-
- The need to reflect the identities and interests of local communities
 - The need to secure effective and convenient local government
 - The need to secure equality of representation
- 3.4 In addition, there are rules set out in the Local Government Act 1972 which the Committee must have regard to. The Committee also takes into account, the requirements of the Race Relations Act 1976 which require public authorities to eliminate unlawful racial discrimination, promote equality of opportunity, and also promote good relations between persons of different racial groups.
- 3.5 The Boundary Committee is not able to review the administrative boundaries between local authorities or parishes as that is a function of the Secretary of State. The Commission does, however, have the power to determine the size of a local authority in terms of the number of elected Members that it may have.

4 Proposal and Other Option(s) to be Considered

- 4.1 A suggested response to the consultation paper is attached as Appendix 2. Councillors are asked to give their views on the proposed response and to suggest any amendments or alterations which should be made. The paragraphs which follow in this section deal with the key issues of electoral equality, recognition of communities, and Council size.

Comments on the other questions posed by the Commission are set out in the draft response attached to this report.

- 4.2 The first question raised is whether the three criteria set out in the legislation and which require the Electoral Commission to have regard to the need to reflect the identities and interests of local communities, to secure effective and convenient local government and to secure equality of representation are appropriate. Views are also sought as to whether any differential weighting should be applied to the criteria.
- 4.3 It is clearly fundamental to the democratic process that electoral areas ensure effective representation for citizens. Most elections within the UK are run on the "first past the post" principle rather than on a system of proportional representation. The principle of equality of representation must, therefore, provide a starting point for any review of electoral areas. This principle of equality of representation, which is designed to ensure as far as possible that all votes have the "same value" has been a cornerstone of local and national electoral systems since local government was first established in its modern form and parliamentary constituencies were reformed in the mid 19th Century.
- 4.4 Before the last programme of periodic electoral reviews commenced, the variation in the elector/Councillor ratio (the method by which equality of representation is measured) ranged from 6% up to 23%. However, following the review, this was reduced to between 2% and 7%. The Electoral Commission had adopted its own guideline of ensuring that in all cases, the variance in elector/Councillor ratio was below 10%. There is a view, however, that by applying what is, in effect, a mathematical calculation, the Commission has overlooked the need to ensure that the identities of communities are recognised and that, for example, ward boundaries do not cross right through communities. Indeed, this view was expressed by the ODPM Select Committee which considered ward boundaries in a report published in April 2005. They felt that whilst the objective should be to ensure voter equality, that, at times, the Electoral Commission placed far too much emphasis on equality and ignored the need to reflect the identities and interests of local communities. In terms of the response, it is suggested that the City Council support the view of the Select Committee and asks the Commission to give greater weight to community identity.
- 4.5 It is recognised that there are major difficulties in defining precisely what constitutes a "community". The Commission had some research undertaken in this area and the results of this are set out in paragraph 3.7 of the consultation paper. This concluded that there is no such thing as an easily delineated community, but that the location and distribution of specific public facilities, such as shopping centres, schools, community centres and places of worship could point to the focus of communities and the existence of community ties. Whilst this may be a sensible starting point, it is suggested that the Commission should consider carefully representations from local residents as to what constitutes their own community.
- 4.6 The Commission has the power to determine the number of Councillors on a local authority. However, there is nothing in the statutory framework which provides any guidance to setting Council size. The Commission points out that the current make-up of authorities with what it describes as "considerable disparities in size and Councillor-to-elector ratios" results from local government re-organisations carried out in 1963 and 1974. The Government has never set down the exact sizes for Councils in England linked to the electorate or other variables. Whilst the former Local Government Commission for England established some broad size bands for different types of Council, these were withdrawn in 1999. As a result, the Commission now asks respondents to explain the proposed Council size in terms of their functions, population, democratic arrangements and the pattern of work for Councillors. The draft response suggests this approach should be maintained and

it should be left for each authority to determine its composition in terms of Councillor Members, which will reflect local circumstances. It is unlikely that any guidance from the Commission in this regard would be helpful.

- 4.7 With the exception of Metropolitan Councils, the Commission has considerable flexibility in deciding how many Councillors there should be for each Ward. In Metropolitan Councils, the law, however, requires the numbers of Councillors for each Ward to be divisible by three. The Commission has used this particular power in County Councils to move away from single Councillor divisions and to recommend two and three Councillor areas. This has been a somewhat controversial development. The Commission suggests that in Metropolitan areas, the fact that the number of Members has to be divisible by three leads to inflexibility. The Commission is, therefore, seeking views as to whether it should continue to be prescriptive about the number of Councillors per Ward.
- 4.8 Other questions in the consultation paper relate to the timing and frequency of periodic electoral reviews, the forecasts which authorities make in relation to their future electorate, issues concerning reviews in areas with two tier local government and the naming of wards. These are all dealt within the draft response to the consultation paper.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		√
Best Value		√
Children and Young People		√
Comparable Benchmark Data		√
Corporate Parenting		√
Coventry Community Plan		√
Crime and Disorder		√
Equal Opportunities		√
Finance		√
Health and Safety		√
Human Resources		√
Human Rights Act	√	
Impact on Partner Organisations		√
Information and Communications Technology		√
Legal Implications	√	
Property Implications		√
Race Equality Scheme	√	
Risk Management		√
Sustainable Development		√

	Implications (See below)	No Implications
Trade Union Consultation		√
Voluntary Sector – The Coventry Compact		√

5.2 Human Rights Act

The review of the Periodic Electoral Review process is being undertaken in the light of experiences from the recently completed programme. Clearly the Electoral Commission will have to take into account any implications for human rights when they make any revisions to their existing practices.

5.3 Legal Implications

The Electoral Commission has been created by statute and legislation lays down the criteria which it must take into account when carrying out reviews. A local authority which is subject to a periodic electoral review is bound to comply with the final recommendations.

5.4 Race Equality Scheme

In carrying out their work, the Electoral Commission must have regard to the requirements of the Race Relations Act and so must take this into account when drawing up guidance for the carrying out of periodic electoral reviews.

6 **Timescale and expected outcomes**

- 6.1 Responses to the Commission's Consultation Paper are required by 25th November 2005. The Commission has indicated that by Summer 2006, it will provide respondents with an indication of its proposals and consideration of the feedback it had received. Shortly following, that the Commission intends to issue revised guidance to the Boundary Committee for England in regard to the carrying out of further periodic electoral reviews.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)	19th October 2005	
Council Consideration (if yes, date of Council meeting)	1st November 2005	

List of background papers

Proper officer: Chris Hinde, Director of Legal and Democratic Services

Author: Telephone 024 76 833020
Chris Hinde, Director of Legal and Democratic Services, Legal and Democratic Services
(Any enquiries should be directed to the above)

Other contributors:

Papers open to Public Inspection

Description of paper

Location

Consultation Paper – Periodic Electoral Reviews – The Electoral Commission

PER Evaluation
Planning and Development Team
Electoral Commission
Trevalyan House
Great Peter Street
London
SW1P 2HW

Chris Hinde, Solicitor
Council House
Earl Street
Coventry
CV1 5RR

Telephone 024 76 833333
DX 18868 Coventry 2

Our reference CH/AMJ
2nd November 2005

Please contact Chris Hinde
Direct line 024 76 833020
Fax 024 76 833070
chris.hinde@coventry.gov.uk

Dear Sir/Madam,

"Periodic Electoral Reviews" – Response to the Electoral Commissions' Consultation Paper

I set out below the responses made on behalf of Coventry City Council in relation to the questions posed in the Commission's Consultation Paper "Periodic Electoral Reviews". These comments were approved by a meeting of the full City Council on 1st November 2005.

The Consultation Paper has been considered not only by the full City Council, but also received detailed scrutiny from the City Council's Cabinet and one of its Scrutiny Boards.

The response follows the numbered questions set out in the Consultation Paper:-

1. **Are the three criteria:-**

1. **Having regard to the identities and interests of communities**
2. **Effective and convenient Local Government**
3. **Having a duty to achieve equality of representation, the most appropriate factors for determining electoral boundaries?**

The City Council believes that given the present voting system, that the fundamental objective of any periodic electoral review must be to achieve equality of representation. Whilst this should be the prime objective, the City Council would not support a rigid application of a mathematical formula which ignored the interests of local communities. The City Council, therefore, believes there should be a degree of flexibility within the application of equality and that variations of up to 10% should be permitted. It does, however, believe that variations above this figure should only be permitted in exceptional circumstances.



2. What evidence can the Commission use to understand community identity?

The City Council takes a view that it is extremely difficult to come up with a workable definition of what defines a community. Whilst the location of public facilities may be an indicator of the existence of a community, it cannot be sole determinant. The City Council believes that the Commission should continue to receive representations from local areas, assess them objectively, and then decide whether or not a community exists. However, once a community has been identified, then the Commission should do all that it can to ensure that it does not split communities when drawing up revised boundaries.

3. How far is it reasonable for the Commission to depart from electoral equality in reaching its decisions?

As indicated in the reply to question 1, the City Council believes that the achievement of electoral equality should be the prime aim of any electoral review. However, given the need to recognise communities, the City Council believes there should be a degree of flexibility in this and would suggest that the Commission have flexibility to agree a variance of plus or minus 10%. Any higher variance should only be agreed in the most exceptional circumstances. The City Council believes that the same figure should apply to all the voting areas.

4. What evidence can the Commission use to indicate effective and convenient local government?

The City Council notes that it is the policy of the Commission in areas with two tiers of local government to attempt to match boundaries between electoral divisions and wards. As a Metropolitan Council, this is not a particular issue for the City Council, except that the City Council believes that Parish Council boundaries should be co-terminous with the boundaries of the principal authority. The City Council believes that there are significant benefits in achieving co-terminosity between wards and county divisions which avoid confusion for the electorate at local elections and also enable election costs to be reduced. Co-terminosity has the additional benefit of facilitating co-operative working between the two tiers of local government in addressing matters of common concern in a particular area, such as regeneration or social exclusion.

5. Are the criteria the Commission uses to decide when to undertake FER's – 30% of Wards with a variance in excess of 10%, or one Ward with a variance of over 30% - appropriate?

The City Council notes that currently the Commission has no plans for a further programme of periodic electoral reviews, and this is covered in the response to question 6 below. As the Commission discovered as a result of the recent programme of periodic electoral review, the deterioration in electoral equality is, on average, relatively low. However, the City Council does believe that there may be areas where because of significant changes in population, the rate of deterioration may well be far above the average. It, therefore, supports the Commission's view that the Commission should retain the ability to undertake a Further Electoral Review where a certain trigger point is reached. The City Council believes that the current criteria, whereby 30% of wards have a variance in excess of 10% or one Ward has a variance of over 30%, is the correct test. The City Council does not believe there should be any other criteria for triggering such a review other than issues of electoral equality.

6. Should the Commission make plans for another programme of PER's?

The City Council believes that it is appropriate for the Commission to make plans for another programme. Giving advance notice of a review enables local authorities to plan effectively for the work involved and ensures that there is not undue deterioration in electoral equality. The City Council takes the view that the Commission should aim to ensure that the programmes of electoral reviews are completed at approximately 20 year intervals.

7. Should the Commission aim to review two tier areas – Districts and Counties – simultaneously or overlap the County review with that of the Districts?

Although not in a two tier area, the City Council would support the proposition that reviews of two tier areas should be carried out simultaneously. This enables the same data to be used, for issues of co-terminosity to be considered and makes for a more effective and robust review process.

8. Should the Commission maintain its current approach to determine Council size or give more specific guidance, such as a formula or banding scheme, linked to Council's electorate size and functions?

The City Council firmly believes that the size of a particular authority should be a matter for local determination. The United Kingdom already has, on average, the largest local authorities and the highest ratios of citizens to elected Councillors of any country in Western Europe. Research by the University of Ulster has shown that there are an average of 2,603 citizens per elected Member in the UK as against 350 in Germany, 608 in Italy, 610 in Spain and 811 in Belgium. Only Ireland has a similar ratio of above 2000. The Government has indicated in its 10 Year Strategy for Local Government that there should be an increased emphasis on community leadership for individual Councillors. Local authorities, therefore, need the freedom to respond to the challenge of community leadership and the increased representational role for Councillors that is envisaged. In those circumstances, the City Council takes the view that it must be for each local authority to determine the appropriate size of its membership which will need to reflect local circumstances. The previous work undertaken by the Local Government Commission for establishing broad sized bands for different types of Council was of limited benefit and the City Council notes that this was withdrawn in 1999. The City Council, therefore, believes the Commission should maintain its current approach and there is no need for it to issue any guidance, formula or banding scheme in relation to Council size.

9. Should the Commission expect all local authorities to provide 5-year electoral forecasts?

The City Council believes that this requirement should remain and it would support the Commission in providing support to local authorities to improve the accuracy of those forecasts.

10. Should the Commission be prescriptive about the number of Councillors per Ward or Division throughout an area, such as having one Councillor per Ward or Division?

Whilst the City Council strongly supports the "three member per ward" model, it does not believe that the Commission should be allowed to be prescriptive about the number of Councillors for each Ward. As with Council size, the City Council takes the view that it should be left to individual Councils to decide the level of representation which they consider

appropriate to meet local needs. However, the City Council does support the view of the Commission, that no electoral area should have more than three Councillors as any greater number would dilute the accountability of individual Councillors to their electors.

11. Should the Commission make any changes to the length and nature of the stages of a PER?

The City Council believes that the present process for the conduct of a PER is appropriate and does not believe that any significant changes should be made to it.

12. What can the Commission do to make people more aware of, and get involved in, electoral reviews and the proposals being made?

The City Council believes that the Commission should be far more proactive in trying to engage with citizens in relation to the review process. Whilst noting the Commission's contention that its present communication and consultation goes beyond that required by statute, the City Council still believes that most of the consultation relies on dialogue with local authorities and other interested groups, notably the political parties. The Commission could do far more to raise awareness amongst citizens of the review process and encourage them to participate in it. This could be done by expanding the preliminary stage of the consultation which is confined to briefing local authority officers and Councillors.

13. Should the name of a Ward be open to change without the need for a review by the Boundary Committee for England?

The City Council would support this proposal as it will enable the local authority to respond to local views.

14. Are there any other changes that the Commission could make to enhance the process for conducting electoral reviews?

The City Council makes no recommendations under this heading.

I hope you find the above comments to be of assistance.

Yours faithfully

Chris Hinde
Director of Legal and Democratic Services

The Electoral Commission

Periodic electoral reviews

Consultation paper

September 2005



Contents

Foreword	1
1 Introduction	3
Why are we conducting this consultation?	3
Who is this consultation paper aimed at?	4
How to respond	4
2 Background	5
The periodic electoral reviews (PER) programme	5
Further electoral reviews (FERs)	5
The statutory framework for PERs	5
The Office of the Deputy Prime Minister (ODPM)	6
Select Committee enquiry	
The Government's 10 year vision for local government	7
3 What issues are we seeking your views on?	8
The statutory criteria	8
The timing and scheduling of reviews	15
Issues and information considered during a review	17
Electorate forecasts	21
Review processes	24
4 Responding to the consultation paper	27
How do I make a response?	27
What is the time frame for consultation?	27
What will happen after the consultation period?	27
What if I have a question about the consultation paper?	27



Foreword

Electoral reviews may have significant implications. They can, and do, affect the level of representation voters have in an area, the number of councillors on a local authority, the size of wards, the boundaries drawn between them and the communities who make up an electoral area, as well as the administration of all elections.

Electoral reviews of all local authorities are not expected to happen very often. For most councils, it has been 20–25 years between the previous electoral review and the latest one. In that time there has been a significant worsening in electoral equality.

The latest review of all local authorities was completed last year. While this is fresh in people's minds, The Electoral Commission is examining how it interprets the law, how its approach might be improved and what it might do to enhance the way it works with people interested in the outcome. It is possible that the review might lead the Commission to recommend changes to the current legislation.

The Commission is also keen to ensure that its approach to electoral reviews can, as far as it is possible within the law, encourage participation and engagement in democracy.

We urge you to respond to this consultation paper. We value your opinion.

The consultation paper addresses a wide range of electoral review issues. In particular, we are keen to hear your views on:

- how the statutory criteria for electoral reviews – community identity, electoral equality, and effective and convenient local government – have been applied and if they can be improved;
- possible changes to the review processes, including the evidence taken into consideration by the Commission; and
- issues surrounding the timing and scheduling of reviews.

The Commission would appreciate any comments on these and the other issues discussed in the consultation paper. Please feel free to respond to some or all of the questions.

Sam Younger
Chairman of The
Electoral Commission

Pamela Gordon
Chair of The Boundary
Committee for England

1 Introduction

- 1.1 The Electoral Commission is an independent public body, established on 30 November 2000 under the Political Parties, Elections and Referendums Act 2000 (PPERA). Its functions include the review of electoral arrangements of local authorities in England, taking decisions on these and making orders to implement changes.
- 1.2 The Boundary Committee for England is a statutory committee of the Commission and undertakes the reviews of electoral arrangements. Under the Local Government Act 1992, it is required to review periodically the electoral arrangements of every local authority in England. These are generally described as periodic electoral reviews (PERs).
- 1.3 An eight-year programme of PERs concluded in October 2004, with the completion of 386 electoral reviews – 35 county councils and 351 district councils. The Boundary Committee for England has begun to monitor the electoral inequalities that have arisen in those local authorities where reviews began between 1996 and 2000. Where significant imbalances have arisen and are likely to remain, the Commission has directed the Committee to undertake further electoral reviews (FERs).

Why are we conducting this consultation?

- 1.4 With the end of the PER programme, the Commission has begun a comprehensive evaluation of the policies and processes used to guide PERs in England, taking stock of the lessons it has learnt from undertaking the PER programme. The evaluation includes:
 - examining how the statutory criteria and rules have been applied;
 - considering the approach taken by the Commission and the Committee on such matters as numbers of councillors, consultation with interested parties in PERs, timetabling reviews and warding;
 - considering when PERs should take place and how frequently;
 - considering the evidence required to support proposals and decisions;
 - commissioning some research and analysis to inform the Commission's examination; and
 - seeking the views of a wide range of stakeholders between September and November 2005. This consultation paper is part of that process.
- 1.5 The Commission intends to:
 - develop fresh guidance to The Boundary Committee for England on the way such reviews should be carried out; and
 - consider whether or not any changes to the law ought to be recommended to the Government.

Who is this consultation paper aimed at?

- 1.6 This consultation paper will be of interest to all voters and community groups with an interest in democratic arrangements in their area; elected representatives in local authorities and parish and town councils; political parties; and staff administering elections.
- 1.7 PERs can affect the number of councillors in a local authority, the level of representation people have (the number of electors per councillor) and the number of councillors representing each electoral area, as well as the boundaries of electoral areas and the names of electoral areas. The boundaries for district council wards can in turn be used as the building blocks for Parliamentary constituencies.
- 1.8 The process for conducting PERs requires cooperation from local authorities (to provide information and publicise reviews, for example); proposals for dividing up a district into electoral areas to be made by any interested parties for consideration by The Boundary Committee for England; and evidence from interested parties to support their proposals.

How to respond

Please send your responses to this consultation paper by **Friday 25 November 2005** to:

The Electoral Commission
Attention: PER evaluation
Planning and Development Team
Trevelyan House
Great Peter Street
London SW1P 2HW

Telephone: 020 7271 0500

Fax: 020 7271 0505

Email: perevaluation@electoralcommission.org.uk

Responses can also be submitted via the Commission's website:
www.electoralcommission.org.uk/your-say/ecconsultations.cfm

2 Background

The periodic electoral reviews (PER) programme

- 2.1 The programme of PERs started in 1996. For most local authorities whose boundaries had not changed significantly, this was their first electoral review in over 20 years. During the eight-year programme nearly 400 separate reviews were completed.
- 2.2 Broadly, as a consequence of the electoral reviews:
- Electoral inequalities within local authorities were reduced significantly. In around one-third of local authorities, the variance in electoral equality¹ has been reduced to no more than 5%. No local authorities had this level of equality before the PER programme. Overall, the variance has fallen by nine percentage points.
 - The proportion of two and three councillor electoral areas increased from 54% to over 60%. Consequently, the average electorate of wards and divisions has risen, though there continues to be a mix of wards with one, two and three councillors in shire districts, and most county electoral areas have one councillor (89%).
 - There has been little overall change to the number of councillors on councils. Following an electoral review, around 125 councils had no change and a similar number changed by only one or two councillors. Over 70 councils had reductions of three or more, while 30 local authorities had increases of three or more.

Further electoral reviews (FERs)

- 2.3 Further electoral reviews are ad-hoc or interim reviews that take place outside of a regular programme of electoral reviews. The PER programme was completed in October 2004. Since June 2004, The Electoral Commission has directed that 22 FERs be undertaken. To date these directions have been for reviews in areas with unacceptably high levels of electoral inequality. That is, where levels of representation have worsened significantly since the PER.

The statutory framework for PERs

- 2.4 The Commission is required to follow the legislation set out principally in the Local Government Act 1992.² Section 13(4) places a duty on the Commission to direct The Boundary Committee for England to undertake electoral reviews periodically of each local authority area in England.

¹ This is measured by a weighted ward average variance (WWAV) which is the average for all the wards of the difference from the elector-to-councillor ratio for the whole area.

² More details can be found in the Commission's current *Guidance and procedural advice to The Boundary Committee for England* on www.boundarycommittee.org.uk.

Under Section 13(5) of the 1992 Act, the Committee has to take account of:

- the need to reflect the identities and interests of local communities;
- the need to secure effective and convenient local government; and
- the need to secure equality of representation.

These criteria are in no order of priority.³

- 2.5 In considering electoral arrangements, Section 27(2) of the 1992 Act requires the Committee to have regard, so far as is reasonably practicable, to the rules that are set out in Schedule 11 to the Local Government Act 1972.
- 2.6 In broad terms, this is all taken to mean that the objective of an electoral review is to ensure that, within the local authority area, the number of electors represented by each councillor is, as nearly as is possible, the same. In moving away from electoral equality the Committee must then take into account:
- local circumstances, including the need to secure convenient and effective local government;
 - the identities and interests of local communities; and
 - the need to achieve easily identifiable electoral boundaries.
- 2.7 This is all described in more detail in the Commission's current *Guidance and procedural advice to The Boundary Committee for England*.

The Office of the Deputy Prime Minister (ODPM) Select Committee enquiry

- 2.8 Earlier this year, the Select Committee held an enquiry into the statutory criteria used to determine ward boundaries.⁴ It concluded that the written evidence suggested the need to secure electoral equality within local authority areas, but that 'too much weight is given to the criterion of equality of representation' and 'not enough is paid to the interests and identities of local communities'. The Committee also asked for simultaneous county and shire district reviews, in order to achieve a closer match of boundaries in these areas, and for the Commission to be given a clearer steer to the consideration of council size. Some of these proposals would require changes to the law.
- 2.9 As part of this consultation, the Commission is seeking views on a range of questions about the process and policies affecting electoral reviews.

³ The Committee must also take account of the cycle of elections in the area under review where the Secretary of State has made an order to specify a scheme for elections under Section 86 of the Local Government Act 2000. To date, there have been orders affecting seven local authorities.

⁴ The ODPM Select Committee's report (*HC315 Ninth report of Session 2004–5*) can be found at www.parliament.uk/parliamentary_committees/odpm.cfm.

These should allow comments on all of the issues raised in the Select Committee's report and the written evidence it took.

The Government's 10 year vision for local government

2.10 The Office of the Deputy Prime Minister (ODPM) is in the process of seeking feedback on a range of issues to shape the future role of councils and their elected representatives. The Government has indicated that a White Paper may be issued early in 2006. To date, consultation papers on local leadership and neighbourhoods have been published.⁵ These contain proposals that could have implications for the Commission's approach to electoral reviews if they were to become law.

2.11 The Government's proposals include:

- Being 'minded to accept' that whole council elections every four years, as recommended by the Commission, should be introduced for all councils in England.⁶ This would mean elections for all councillors every four years, not by halves every two years or thirds three years in four, which is the pattern in many councils at present.
- The suggestion that elected ward councillors should have a larger role in representing their neighbourhoods and querying whether or not the current workload might have to be reduced to achieve this in some places. This could have implications for the number of councillors in an area if councillors had a larger role to perform.
- The suggestion that elected ward councillors might better represent a defined geographical area if there were one councillor from each ward. This could affect the ability to recognise community ties in drawing up the boundaries of electoral areas.

2.12 The Commission will consider any developments in the Government's thinking in these areas and will take account of the implications if proposals for legislation are made. For the time being, however, the Commission can only conduct reviews on the basis of the law as it stands.

⁵ These can be found at www.odpm.gov.uk/localvision.

⁶ Refer to The Electoral Commission's report – *The cycle of local government elections in England* – www.electoralcommission.org.uk/templates/search/document.cfm/9056.

3 What issues are we seeking your views on?

The statutory criteria

Balancing the statutory criteria

- 3.1 The statutory criteria – having regard to identities and interests of communities, effective and convenient local government, and having a duty to achieve equality of representation – are not given any weighting in the 1992 Act or elsewhere. The decision in the Enfield case⁷ made it clear that electoral equality was not a simple mathematical test to be applied when the other criteria had to be considered as well. Other legal advice over the years on the interpretation of the criteria and the rules has supported the view that the Commission has to reconcile conflicting factors when considering proposals and making its recommendations.
- 3.2 It is regarded as a fundamental democratic principle in legislation on voting and the franchise that each vote has equal value. In these circumstances, it ought to be reasonable to expect there to be equality of representation across the whole of a local authority area as a first principle in electoral reviews. Of the three criteria, only electoral equality can be measured and any changes observed over time.
- 3.3 To date, the Commission has taken the view that if electoral inequalities are to be kept to a minimum in formulating electoral schemes, all interested parties should start from the standpoint of trying to achieve absolute electoral equality, then making adjustments for the other factors. In practice:
- The Commission has generally allowed a higher degree of inequality, for example, where there is a strong case to reflect community identity, the pattern of communities, the configuration of parish boundaries and district wards, and the existence of natural physical boundaries.
 - The Commission has to take an authority-wide view. What might be a more appropriate boundary to reflect community identity in one part of an area might mean unacceptably higher or lower councillor-to-electors ratios elsewhere in the area.
 - The Commission sometimes decides to go against the weight of respondents' views, which are generally in favour of recognising community identity ahead of electoral equality, if there are reasonable alternatives on the evidence available that provide better levels of electoral equality.
- 3.4 An alternative would be to give greater emphasis to community identity. This would be easier to apply in areas where boundaries can be drawn around discrete communities. Significantly greater electoral inequalities

⁷ In *London Borough of Enfield v Local Government Boundary Commission for England* (1979) 1 A11 ER 950,953 (upheld in the House of Lords [1979] 3 A11 ER 717).

would then occur, particularly in rural areas where these would not necessarily closely match the area's councillor-to-electors ratio.

Q1 Are the three criteria: 1. having regard to identities and interests of communities, 2. effective and convenient local government, and 3. having a duty to achieve equality of representation, the most appropriate factors for determining electoral boundaries?

- Should all of the criteria be given equal weight?
- Is it appropriate to start, as the Commission does, with electoral equality or should there be a different approach?
- If a greater weight were given to community identity, would a higher level of electoral inequality be acceptable?

Community identity

3.5 The Commission looks for evidence that shows how community identity manifests itself, such as the presence of services and active community groups, and the extent of the area using them (see Box A). Some respondents have also said that the social make-up of an area, such as the electorate's housing tenure or ethnicity, is an indicator of community identity. The Commission relies on local submissions and respondents' proposals to provide information that can substantiate community ties.

Box A: Evidence of community identity supporting recommendations

In the Suffolk County Council review (Waveney district in particular), the Committee agreed to include the parish of Wisset in a division with Halesworth town and not with Bungay town, as originally proposed, on the grounds of the following community identity argumentation provided by Wisset Parish Council:

- Halesworth provided the market town for residents of Wisset;
- the primary and middle education for Wisset students is provided by schools in Halesworth;
- Wisset residents use the Waveney District Council offices (situated in Halesworth), in addition to the town's library, hospital, doctor's surgery, arts centre, sports facilities, cafes, restaurants and pubs;
- Wisset residents have links to social organisations in Halesworth, such as the British Legion, and places of worship.

In the review of Alnwick District (Rothbury area in particular), the Committee agreed to include Whitton & Tosson parish with Rothbury parish, in a rural three member Rothbury & South Rural ward, instead of a separate two member (Rothbury) and single member (Whitton) wards, on

the grounds of the following community identity argumentation provided by the district council and the Whitton & Tosson Parish Council:

- Whitton & Tosson residents used Rothbury for their local services;
- the majority of Whitton & Tosson residents live on Jubilee Crescent Estate, half of which lies in Rothbury parish;
- there are already established links between the two parish councils, as one councillor from Whitton & Tosson parish also attends the Rothbury parish council, in order to work through matters of joint interest.

3.6 In practice, the Commission generally receives conflicting information about community identity. Many respondents only make assertions that there are community ties, backed up by write-in campaigns and petitions. Indeed, community identity means different things to different people. It is not unknown for responses from different interested parties to claim very different community ties for the same area, in support of their different proposals. The challenge for the Commission is to try to reconcile these.

3.7 The Commission has sponsored research to identify possible alternative approaches, especially to see if a range of behaviours or measures of people's sense of belonging would more effectively define community ties and interests.⁸ It concluded that:

- It is difficult to generalise when wards can have anything from 700 to 6,000 electors per councillor and have one, two or three councillors.
- There is no such thing as an easily delineated community; people's behaviours that might define a community are not easily isolated and extremely difficult to collect on any large scale to be mapped.
- Data suggesting socio-economic homogeneity in any area whether based on income, household characteristics or ethnicity, is no marker of a community existing.
- The location and distribution of specific public facilities, particularly shopping centres at various scales, primary schools, health centres and places of worship can point to the cores of communities and the existence of community ties.
- The location of such facilities is objective information that is readily available, while usage to show catchment areas can be sought from respondents in evidence.
- Once identified, the Commission should ensure that it does not split the cores of communities when drawing boundaries.

⁸ Research carried out by Professor Michael Chisholm of the University of Cambridge and Professor Geoffrey Dench of the Institute of Community Studies, *Community identity: literature review and analysis for periodic electoral reviews*. This paper can be accessed at www.electoralcommission.org.uk/your-say/ecconsultation.cfm.

Q2 What evidence can the Commission use to understand community identity?

- Can community identity be recognised through the location of public facilities to identify the cores of communities?
- Should the Commission adopt this approach in its consideration of community identity?
- If it did, are there other public facilities that could be used and easily provided as evidence?

Electoral equality/equality of representation

3.8 The Boundary Committee for England aims to make recommendations that minimise electoral imbalances and that will reduce electoral inequality. To measure this, it seeks to keep the elector-to-councillor ratio for individual wards no more than 10% greater or lesser than the average for the whole council area. This is not a hard and fast rule: greater levels have been recommended where, for example, community ties would clearly be broken or where five year forecasts of the electorate indicate a reduction in imbalances in the near future.

3.9 Because there is less difficulty in achieving greater electoral equality in built-up areas with a higher density of housing and few parish boundaries, the Commission expects to achieve a higher level of electoral equality in the most urban local authorities, though it has never set a lower figure for these areas. As Tables 1 and 2 show, much better levels of equality were achieved as a result of a periodic electoral review (PER). The improvements were more significant in London boroughs and other districts with largely urban electorates than in areas where other factors, such as parish boundaries, co-terminosity⁹ and community ties had a greater influence.

⁹ Co-terminosity is a term used to describe following existing electoral or administrative boundaries when drawing boundaries, such as drawing an electoral boundary to coincide with a parish boundary or to make the boundaries of district wards and county divisions coincide.

Table 1: Variance before the PER (number of authorities)¹⁰

Weighted ward average variance	District	Metropolitan	Unitary	London borough	County	Total
0-4	0	0	0	0	0	0
5-9	20	10	15	25	0	70
10-14	89	16	21	4	21	151
15-19	71	7	3	3	11	95
20-24	34	3	2	0	2	41
25-29	12	0	2	0	1	15
30+	12	0	2	0	0	14
Total	238	36	45	32	35	386

Table 2: Variance after PER (number of authorities)

Weighted ward average variance	District	Metropolitan	Unitary	London borough	County	Total
0-4	57	22	13	28	0	120
5-9	173	14	32	4	29	252
10-14	8	0	0	0	6	14
15+	0	0	0	0	0	0
Total	238	36	45	32	35	386

Q3 How far is it reasonable for the Commission to depart from electoral equality in reaching its decisions?

- Should this figure be higher or lower than the measure used of no more than 10% greater or lesser than the average number of electors per councillor for the whole area?
- Should the figure vary between different areas?

Effective and convenient local government

3.10 For electoral reviews, the Commission has taken the view that warding has little or no effect on service delivery, the use of wards for funding allocations and statistical purposes is not relevant, and that consideration should be given to the ease of voting, the efficiency of electoral administration, the effectiveness of representation, and the workload of councillors in its proposals for council size and ward boundaries.

¹⁰ The data in this and all the other tables are drawn from reports produced for The Boundary Committee for England.

3.11 Respondents tend to interpret effective and convenient local government as access to services and suggest that warding changes could affect service delivery and resource allocations. This would be important in a review of local government organisation where administrative boundary changes could affect how people's services are delivered and their costs.

3.12 In balancing these considerations, the Commission observes the statutory rules on aligning electoral and administrative boundaries. These are to contain county divisions within district council boundaries and parish wards or un-warded parishes within a single district ward and county division. It uses parish boundaries as building blocks in areas that are parished and considers the effect of splitting and dividing parishes on the administration of elections and effective representation of electors. In two-tier areas (areas with a district and county council), it considers the effects of splitting district wards to draw boundaries for county divisions on the effective representation of electors. For these, the Commission has set a 'co-terminosity' target of 60–80% of county divisions containing only whole district wards.

3.13 In practice:

- The Commission generally seeks to avoid dividing parishes into wards if alternatives are available. However, it uses its flexibility to split parishes between district wards by creating wards or changing wards in parishes, to achieve better electoral equality or to take account of community ties.
- Because of the different councillor-to-electors ratios among districts in the same county areas, there is no simple way of matching the allocation of county councillors to each district council area to district ward boundaries. See the example in Box B below. In spite of this, the Commission has generally been able to meet its co-terminosity target in county reviews.
- There is potentially little to confuse electors at elections where district wards are split, since county and district elections will not take place simultaneously.¹¹ It is recognised that splitting can mean a parish has two or more district councillors, or a district ward councillor may have more than one county councillor to liaise with, which can add to councillors' workloads.

¹¹ Under current arrangements. Further information about electoral cycles can be found in *The cycle of local government elections in England* – www.electoralcommission.org.uk/templates/search/document.cfm/9056.

Box B: Drawing-up county divisions in Oxfordshire

With a proposed council size of 74 councillors, Oxfordshire's allocation of councillors had the following effects:

District	Number of district councillors per ward			Allocation of county councillors	Divisions created	Non-co-terminous divisions
	1	2	3			
Cherwell	12	10	6	16	12	4
Oxford	0	24	0	16	8	0
South Oxon	11	17	1	16	14	6
Vale of White Horse	11	14	4	14	12	4
West Oxon	9	14	4	12	11	5

To achieve high levels of electoral equality in Oxfordshire, each division needed to have a councillor-to-electors ratio of as near to 6,508 as possible. Oxford city contains 24 wards, which on average contained 4,328 electors. If these had to be single councillor county divisions, it would have been impossible to achieve any co-terminosity between the divisions and wards covering Oxford city, as each division would have needed to comprise a ward and a half to achieve electoral equality. With two-councillor divisions, three two-councillor wards could be combined to create divisions of approximately 12,984 to be represented by two councillors. This gave a councillor-to-electors ratio of 6,492, providing an excellent level of electoral equality and 100% co-terminosity between divisions and wards. With the same allocation and the same number of district councillors, this was not possible in South Oxfordshire because of the pattern of wards. In none of the other districts was it possible to closely match wards with the number of county councillors allocated. As a consequence, there are 19 non-co-terminous divisions and, except in Oxford city, relatively high levels of electoral inequality.

- 3.14 The benefits of co-terminosity can be short-lived if there are subsequent FERs of districts in two-tier areas or parish boundary reviews. FERs can change district ward boundaries that have been used as the building blocks for county divisions. Parish reviews can alter parish ward boundaries that may have been used as the building blocks for district wards.

Q4 What evidence can the Commission use to indicate effective and convenient local government?

- How far do you agree with how we interpret effective and

convenient local government for the purpose of defining electoral areas?

- Are there benefits in seeking a high degree of matching between boundaries (co-terminosity), especially in two-tier areas?
- Should the Commission set such a target for co-terminosity?
- Should the Commission set such a target for parish boundaries in district wards?

The timing and scheduling of reviews

3.15 PERs, such as the one between 1996 and 2004, include all local authorities in a review of all their electoral boundaries. A programme of reviews can be drawn up in advance so that councils are aware of the likely timing of the review of their area with good notice. Such a programme of reviews should not be required very frequently. In between, FERs can be undertaken where there are poor levels of electoral equality, which show no sign of improving over time.

Further electoral reviews (FERs)

3.16 At present, the decision to do a FER is triggered by significant electoral imbalances in a high proportion of electoral areas (30% of wards with a variance in excess of 10%, or one ward with a variance of over 30%). The Commission goes ahead if electorate forecasts suggest no improvement being likely and a review fits with the timing of elections. When deciding on the outcomes of a FER in two-tier areas, no account is taken of the effect of changes on the level of co-terminosity with county divisions. The Commission could seek to improve co-terminosity by subsequently doing a partial review of a county.

3.17 Continuing to undertake FERs should delay the need to undertake a PER and ensure that electoral equality is maintained within local authority areas. The Commission has been asked by councils to consider other criteria for deciding whether or not to undertake a FER, such as a wish by a local authority to change council size.

Another PER programme?

3.18 The Commission has to decide the interval between programmes of PERs of all local authorities. It recognises that reviews are resource intensive and can be disruptive, and that unless there are significant changes to electorates requiring a FER, warding arrangements ought to be in place for several cycles of elections. At present, the Commission has no immediate plans for another PER programme, but expects deteriorating levels of electoral variance to be a determining factor about the timing of such a programme, as well as the timing of Parliamentary

boundary reviews, because wards are the building blocks used to draw constituencies.¹²

- 3.19 Electoral inequality appears to increase significantly in relatively few local authorities. Before the last PER programme, the average ward variance had risen above 20% in 70 councils (18%). The change in variance since the PERs suggests that the deterioration is, on average, relatively low. In local authorities whose PER was over five years ago, three quarters have a variance within one percentage point of the variance when the PER was completed.
- 3.20 A sixth general review of Parliamentary boundaries will have to be completed sometime between 2014 and 2018.¹³ This suggests that the next PER ought to fall between the sixth and seventh reviews and that, in the meantime, the Commission should focus on FERs where acceptable levels of electoral equality have not been maintained and there is a strong case for an interim review. If the Commission were to undertake a PER before the conclusion of a sixth review, then the review would have to be started around 2008. This might be considered too soon for most local authorities.
- 3.21 If the Commission planned to repeat the PER after the sixth general review of Parliamentary boundaries, it would be undertaken around 20 years after the last PER for most councils. The PER would include all local authorities, whether or not a FER had been carried out. Alternatively, the PER could be a rolling programme over a longer period in which the earliest reviews are of areas with the worst levels of electoral equality, but at some point all the areas not reviewed are then programmed for a review. It would require the law to be changed for a rolling programme of FERs to replace the need for a PER of all councils.

Q5 Are the criteria the Commission uses to decide when to undertake FERs – 30% of wards with a variance in excess of 10%, or one ward with a variance of over 30% – appropriate?

- Should the Commission invite requests from councils for a FER?
- What justification should the Commission require for reviews undertaken on grounds other than electoral equality?

¹² Under the Political Parties, Elections and Referendums Act 2000 (PPERA), the Commission will become the body responsible for undertaking these boundary reviews in the future. Plans are being made to take on the function once the fifth general review is completed.

¹³ In England, the fifth general review should be completed by autumn 2006. With a review required every 8–12 years, the next review would have to be completed by 2018.

Q6 Should the Commission make plans for another programme of PERs?

- What approach should the Commission take to the timing of another PER and the scheduling of reviews within it?
- What factors should be taken into account when scheduling reviews?

Sequencing of reviews in a PER

3.22 The Commission has always scheduled two-tier shire district reviews to be completed before county reviews are undertaken because, as far as is practicable, the Commission is expected to take account of the boundaries of district wards in county reviews. The programming of other districts' and London boroughs' reviews was fitted around these.¹⁴ All reviews were timed, as far as possible, to reflect when the new boundaries could be implemented at an election.

3.23 There is a case for scheduling county reviews much harder on the heels of shire district reviews in the county's area, or for them to be carried out virtually concurrently. The law currently requires a county review's final recommendations to be published after the districts' reviews have been agreed by the Commission. Carrying them out concurrently would allow the same electorate forecast data to be used, for co-terminosity to be considered when drawing up district wards and for the Commission to use the knowledge of the area gained during the district review in the county review. Implementation dates, however, would vary as councils at present have different electoral cycles.

Q7 Should the Commission aim to review two-tier areas – districts and counties – simultaneously or overlap the county review with that of the districts?

Issues and information considered during a review

Council size: the number of councillors on a local authority

3.24 Council size is the starting point in any electoral review, since it determines the optimum councillor-to-electors ratio and leads to conclusions on warding patterns. Though the Commission has to determine the number of councillors on a local authority, there is

¹⁴ Also to fit around the timetable for conducting the fifth general review of Parliamentary constituencies.

nothing in the statutory framework that provides any guidance to setting council size. The current pattern, with considerable disparities in size and councillor-to-electors ratios, largely results from the sizes agreed following the reorganisations of local government in 1963 and 1974. At no time has the Government set down exact sizes for councils in England linked to the electorate or other variables.¹⁵ The Commission's predecessor, the Local Government Commission for England, established broad size bands for different types of council. In 1999, however, it withdrew these and focused on expecting respondents to explain their proposed council size in terms of their functions, population, democratic arrangements and pattern of work for councillors.

3.25 The Commission has indicated in its current guidance that it:

- has a neutral view on the need for change in any direction;
- accepts that councils have different traditions in their level and pattern of representation, and have adopted different new democratic arrangements and approaches to community engagement, so that it is appropriate to have diversity; and
- expects councils (and other respondents) to make a case for change and provide evidence in support of this as well as the status quo.

3.26 As a consequence of PERs, there has been little overall change to the number of councillors across all local authorities in England. Table 3 provides a breakdown of the changes in council size, by type of council.

Table 3: Changes in numbers of councillors on local authorities

Type of area	-5 or more	-4	-3	-2	-1	0	1	2	3	4	5 or more	Total number
District/unitary	27	8	16	17	28	94	45	29	11	6	11	292 ¹⁶
County	1	1	0	1	1	9	5	2	5	5	5	35
London borough	4	3	3	4	3	8	3	1	3	0	0	32
Met. district	3	0	7	0	0	23	0	0	3	0	0	36
Total	35	12	26	22	32	134	53	32	22	11	16	395
% of total	9	3	7	6	8	34	13	8	6	3	4	

3.27 A number of issues around council size suggest that this approach might benefit from revision. There are considerable differences between councils, which on the face of it seem to have very similar

¹⁵ Sizes were set in Scotland and Wales at the last re-organisation of local government and the Local Government Boundary Commission for Scotland established a formula for its subsequent review (see Appendix B of the *Third Statutory Review of Electoral Arrangements report for Aberdeen City Council*). For elections to new 'shadow' authorities in England in 1973, the Home Office decided that the number of councillors should be within the following ranges: counties 60–100; metropolitan districts 50–80; and other districts 30–60.

¹⁶ Includes nine directed electoral reviews, in addition to the 386 PERs.

characteristics, in the total number of councillors they have and their councillor-to-elector ratios. This is illustrated in Table 4 and Box C. As a consequence voters in many council areas have very different levels of representation to those in their neighbouring councils. It also means that the Commission is very dependent on the quality of the evidence put forward in submissions. Most respondents find it very difficult to support their case, either for the status quo or for change in relation to the statutory criteria, and do not provide evidence of consultation and consensus to provide a firm basis for the Commission's decision.

Table 4: Electors per councillor in local authorities¹⁷

Electors per councillor	Percentage of local authorities (by type)			
	District	London borough	Met.	Unitary
4,000 +	0	0	14	2
2,500–3,999	3	59	75	47
2,000–2,499	13	38	8	29
1,500–1,999	52	3	3	15
1,000–1,499	29	0	0	7
under 1,000	3	0	0	0
Councillor-to-elector ratios				
Mean	1,361	2,691	3,252	2,553
Highest	3,009	3,732	6,020	4,168
Lowest	615	1,877	1,751	1,003

Box C: Differences in electors per councillor

- across all councils, the range is from 615 (Teesdale) to 6,020 (Birmingham);
- the lower quartile for the unitary authorities is significantly higher than the upper quartile for districts;
- over 75% of districts have fewer than 2,000 electors per councillor; only 10% of single-tier councils do;
- metropolitan districts tend to have higher ratios than the other single-tier councils;
- while the inter-quartile range accounting for half of councils is small (for districts, about 400 electors), the other half have ratios much greater or lesser, reflecting a very wide distribution; this is particularly so among unitary councils;
- as a consequence there is a difference of x2 between the highest and lowest in London, x3 in the metropolitan districts, x4 in the unitaries and x5 in the districts.

3.28 As a consequence, the Commission sponsored research and carried out some analysis to see if it could be more prescriptive about what council

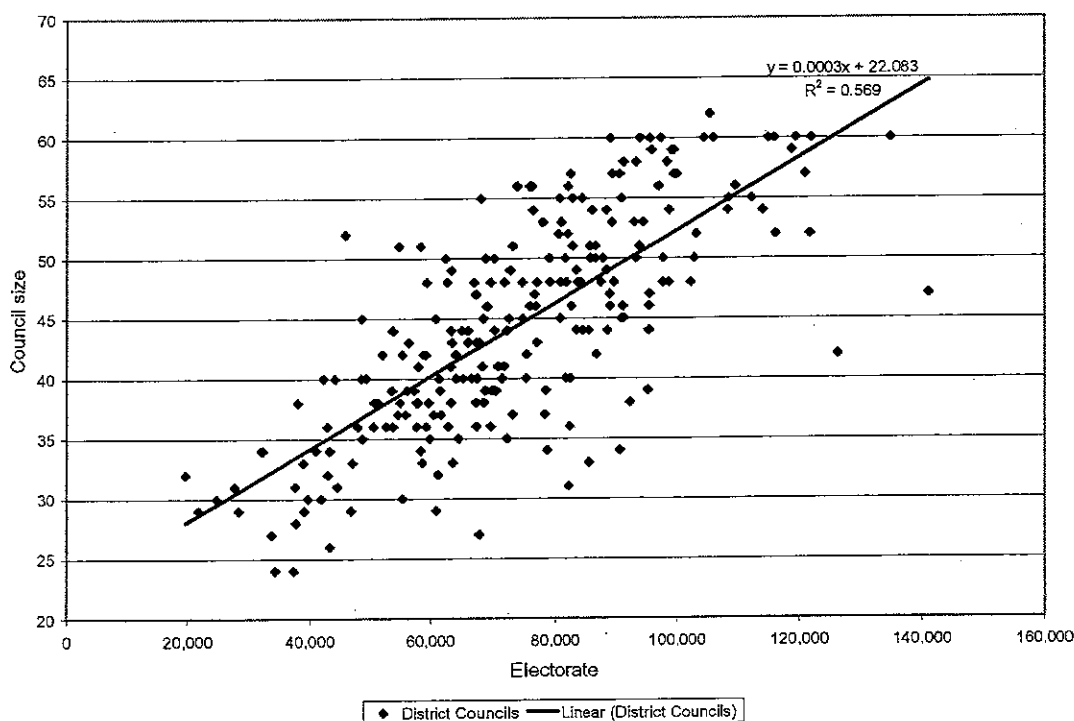
¹⁷ Excluding the 35 county councils.

size would be appropriate for particular local authority areas and what evidence is needed to support council size proposals.¹⁸

3.29 The research and analysis suggest that:

- There is no strong evidence to support either increases or decreases across the board.
- Councillors' workload is generally greater where there are more electors per councillor; reductions in numbers of councillors might be difficult to justify in some, though not all, circumstances; increases might be more justifiable in others to keep down workload and maintain contact with electors.
- Some diversity in size ought to be permitted because of the complexity of factors that have to be taken into account and the local circumstances that affect them.
- There is a reasonably strong correlation between the number of councillors and the size of the electorate.¹⁹ Even so, as the graph in Figure 1 shows for district councils, there are considerable differences reflected in the outliers.

Figure 1: Electors per councillor by district council



¹⁸ Research was carried out by Dr Colin Copus and Dr Alison Crow of INLOGOV – *Council size: literature review and analysis*. The report can be accessed at www.electoralcommission.org.uk/your-say/ecconsultation.cfm.

¹⁹ The strong positive relationship between the size of the electorate and the number of councillors is reflected in correlations (measured by r squared) of 0.38 (unitaries), 0.8 (metropolitan districts), 0.54 (London boroughs), 0.57 (districts) and 0.39 (counties).

Q8 Should the Commission maintain its current approach to determine council size or give more specific guidance, such as a formula or banding scheme, linked to councils' electorate size and functions?

- What evidence should be expected from respondents to argue the case for council size?
- Would comparative information, such as indicators of the broad council size norms linked to electorate size, provide councils as well as the Commission with some guidance in considering proposals?

Electorate forecasts

3.30 The Commission is required to take five-year electorate forecasts into account when undertaking electoral reviews. It uses the forecasts in considering electoral equality. Unfortunately, the estimates provided by councils, as illustrated in Table 5, are not very accurate and tend to overestimate growth in the electorate significantly.

Table 5: Extent of error in five-year forecasts (216 councils)

% difference (forecast electorate minus actual electorate)	Number of councils	%
-5 or more	5	2
-2 to -4	13	6
-1	20	9
0	22	10
1	26	12
2 to 4	81	38
5 or more	49	23
Mean average	2.4%	

3.31 Forecasting is inherently difficult, and any lack of accuracy and overestimation may arise from some of the following practices:

- not taking account of trends in the size of the electorate;
- not checking against the Office for National Statistics' (ONS) mid-year estimates for the population aged over 18;
- not taking account of falling household sizes (with current electors moving to new dwellings in the area);
- assuming all new developments with planning permission will be completed within five years and will contain a standard number of electors per household; and
- adding in outline planning permissions and other sites where development might be expected when, in practice, many of these will not lead to new housing.

3.32 If the Commission had used the base year electorates instead of the five-year forecasts, the difference with the actual electorate after five years would have been no greater in many cases. Better forecasts though, should ensure that high levels of electoral equality can be maintained. It would be to the benefit of all parties – voters, representatives and the Commission – if more accurate forecasts were produced.

Q9 Should the Commission continue to expect all local authorities to provide five-year electorate forecasts?

- Can the Commission support local authorities to provide better electorate forecasts with some guidance? If so, what form should any guidance take?

Single and multi-member wards and divisions²⁰

3.33 Except in metropolitan districts, where the law requires the number of councillors for each electoral area to be divisible by three, the Commission has considerable flexibility over deciding how many councillors electoral areas should have. Table 6 shows the changes arising from the PER programme. The Commission has used this flexibility to maintain relatively low levels of electoral variance, avoid breaking community ties and maintain co-terminosity. Because of these benefits, it has not prescribed in its guidance uniform patterns across local authority areas. For example, all wards with single or two councillors; or prescribed a specific pattern for different types of local authority, such as wards with three councillors in all unitary authorities. It has indicated though, that electoral areas should have no more than three councillors, because this is believed to dilute the accountability of individual councillors to their electors.

²⁰ Electoral areas in counties are divisions; ward is occasionally used to describe all electoral areas in the text for the sake of brevity.

Table 6: Councillors per ward before and after the PER programme

Type of area	% of wards before PER			% of wards after PER		
	Single	Two	Three or more	Single	Two	Three
District	42	29	29	32	42	26
County	100	0	0	93	7	0.2
London borough	2	44	55	0.2	1	98
Met. district	0	0	100	0	0	100
Unitary	19	37	43	18	36	46
Total	46	23	32	39	28	33

3.34 There is no empirical evidence to suggest that one pattern of representation is better than another, from the point of view of either voters or councillors. Even so, the Commission has pointed out elsewhere that in districts with elections by thirds, voters in single and two member wards effectively have fewer chances of voting than electors in three member wards in the same authority.²¹ The Commission recognises that its decisions with regard to counties to move away from single-councillor divisions and to recommend some two- and three-councillor electoral areas have not been without controversy. Also that changes in some areas, such as London boroughs, for three-councillor wards reflected the Government's intentions at the time to move to elections by thirds in all unitary authority areas.

3.35 In the metropolitan districts, the inflexibility can mean less than perfect proposals. Accepting arguments on grounds of community ties has meant accepting degrees of ward variance in excess of 10% in some cases, as well as grouping rural communities with the fringes of urban areas with which they have few ties in others.

Q10 Should the Commission be prescriptive about the number of councillors per ward or division throughout an area, such as having one councillor per ward or division?

- Should the number of councillors for wards in metropolitan districts be as flexible as in other areas and should the Commission seek to change the legislation?
- Should the Commission continue to set a maximum of three councillors for all electoral areas?

²¹ Refer to the Commission's report – *The cycle of local government elections in England* – www.electoralcommission.org.uk/templates/search/document.cfm/9056. If the Commission's recommendations for all out elections every four years were implemented, the inequity would disappear.

Review processes

Stages of an electoral review

3.36 The basic stages of a review are set out in the law. The Commission has to consult on a draft proposal and it has to consider representations before it produces such proposals. The Commission has typically allowed 8–12 weeks for each of these stages, adjusting them for local circumstances. Table 7 sets the stages out in more detail. Experience in the PERs suggests that the intervals allowed for each stage are, by and large, practical though reviews of counties and metropolitan districts often need to take longer.

Table 7: The stages of an electoral review

Stage	Period	Description
Preliminary Stage	Typically 12 weeks	The Committee advises the date for the review, and briefs local authority officers and council members. The local authority provides preliminary information (maps, statistics, forecasts etc.).
Stage One	Typically 12–15 weeks	Commencement of review and submission of proposals to the Committee for future electoral arrangements.
Stage Two	Typically 12–16 weeks	The Committee considers proposals, determines draft recommendations and prepares the draft recommendations report.
Stage Three	Typically 8 weeks	The Committee publishes the draft recommendations report and invites representations.
Stage Four	Typically 12–16 weeks	The Committee considers representations, reaches conclusions on final recommendations and submits a final report to The Electoral Commission.
Post-recommendation Stage	Typically 8–10 weeks	The Commission considers the final recommendations and further representations received, and reaches a decision.

3.37 Before Stage One, however, there could be some merit in having proposals from interested parties on council size and an indication of The Boundary Committee for England's view. This would enable all interested parties to submit warding proposals on a similar basis (the

same number of councillors and councillor-to-electors ratios), enabling a much more informed comparison of proposals to be made. It might also stimulate more interest in the review, at an early stage in the process. This could be carried out alongside the Preliminary Stage of information gathering.

Q11 Should the Commission make any changes to the length and nature of the stages of a PER?

- Would there be value in considering council size ahead of Stage One?

Communication and consultation

3.38 The Commission goes beyond the communication and consultation required by law. Proposals are made available on the Commission's website and information is circulated to interested parties at each stage, to raise awareness of the review. It is the Commission's intention to follow the Government's good practice guidelines on consultation and to increase from eight to 12 weeks the period allowed for responses.

3.39 Box D describes some of the problems that arise in consultation. The Commission would like to enhance its communication and consultation processes, the quantity, quality and timeliness of information it receives; and the recommendations it makes. It is recognised that there are not likely to be high levels of public interest in electoral reviews, compared with local authority boundary reviews and with lots of other matters affecting public services. In most reviews, there is little interest from many people until there is a proposal on the table that is widely publicised.

Box D: What appears to happen at different stages

At the initial stage, when the Commission is seeking proposals to be submitted, the proposals are not always based on the statutory framework or are not sufficiently well-evidenced; they generally come from local authorities and other groups, such as political parties, with a direct interest in the review.

At the stage of responding to the Commission's draft proposals, there are responses from individuals and a wider variety of community groups, as might be expected when there is something to comment upon. Much depends on the local authority's effectiveness in community engagement and the ability of people to access information about the proposals. Alternatives are not necessarily well argued by respondents.

At the last stage, new respondents often complain they have not heard of the review and provide information that cannot be taken into account because it would change the basis of the proposal too radically, without a

further round of consultation. On occasions, however, evidence can come forward that can justify a change to the proposals.

3.40 The Commission would like to encourage a wider range of informed submissions, ideally based on local consultation before they are presented. The Commission is considering whether or not its staff should be available in the area, for a short period, to provide any guidance to councils and other interested parties during Stage One, and to request councils to make available locally the responses to consultation on their own proposals. The Commission is considering how it can more actively publicise the review proposals, and assist interested parties and individuals, especially parish councils, to make comments on them.

Q12 What can the Commission do to make people more aware of, and get involved in, electoral reviews and the proposals being made?

- Would more proactive local publicity stimulate more interest at appropriate stages and more informed responses?

Naming wards

3.41 A ward name is generally proposed by respondents. The Commission often has to choose between different proposals. It generally looks for names that describe the communities in a ward or division and will assist voters to identify with the electoral area. At present, wards can only be named or re-named as part of an electoral review. There are often requests from parish and district councils to alter names.

Q13 Should the name of a ward be open to change without the need for a review by The Boundary Committee for England?

Other considerations

Q14 Are there any other changes that the Commission could make to enhance the process for conducting electoral reviews?

4 Responding to the consultation paper

How do I make a response?

- 4.1 There are a number of ways that you can express your views on the questions asked in the paper, or any other matters to do with periodic electoral reviews. You can write to the Commission at the address below, covering any or all of the questions asked. Responses can also be submitted via the Commission's website: www.electoralcommission.org.uk/your-say/econsultations.cfm. The response form lists all the questions and has space to complete your response. If you only have views on some of the questions, we still want to hear from you.
- 4.2 It would help if you could give your name and address, or the name and address of the organisation, on whose behalf you are responding, so that we can provide you with a copy of the Commission's final report.

What is the time frame for consultation?

- 4.3 There is a consultation period of 12 weeks, commencing 2 September 2005. The deadline for receipt of submissions is 12pm, 25 November 2005. All submissions will be acknowledged either by email or letter within five working days.

What will happen after the consultation period?

- 4.4 The Commission expects to assess the feedback, and consider what policies and processes it wishes to change. By summer 2006, the Commission intends to provide respondents with an indication of its proposals and its consideration of feedback. Soon afterwards the Commission intends to issue The Boundary Committee for England with new guidance for carrying out electoral reviews.

What if I have a question about the consultation paper?

If you have any specific questions in relation to this document or making a submission, please contact us by one of the following methods:

Telephone: 020 7271 0500
Fax: 020 7271 0505

Email: perevaluation@electoralcommission.org.uk

Or write to the address overleaf.

The Electoral Commission
Attention: PER evaluation
Planning and Development Team
Trevelyan House
Great Peter Street
London
SW1P 2HW