

COUNCIL OF THE CITY OF COVENTRY

1st November, 2005

PRESENT

Lord Mayor (Councillor Lakha)

Deputy Lord Mayor (Councillor Ahmed)

Councillor Arrowsmith	Councillor Mrs. Lacy
Councillor Asif	Councillor Mrs. Lancaster
Councillor Auluck	Councillor Lee
Councillor Mrs. Basu	Councillor Mrs. Lucas
Councillor Batten	Councillor Ms. McKay
Councillor Benefield	Councillor McNicholas
Councillor Bhyat	Councillor Mrs. Maskell
Councillor Mrs. Bigham	Councillor Matchet
Councillor Blundell	Councillor Mulhall
Councillor Charley	Councillor Mutton
Councillor Chater	Councillor Nellist
Councillor Cliffe	Councillor H. Noonan
Councillor Clifford	Councillor M. Noonan
Councillor Crookes	Councillor O'Neill
Councillor Mrs. Dixon	Councillor Patton
Councillor Duggins	Councillor Miss Reece
Councillor Field	Councillor Ridge
Councillor Foster	Councillor Ridley
Councillor Gazey	Councillor Mrs. Rutter
Councillor Mrs. Griffin	Councillor Sawdon
Councillor Mrs. Harper	Councillor Skipper
Councillor Harrison	Councillor Mrs. Stone
Councillor Ms. Hunter	Councillor Taylor
Councillor Mrs. Johnson	Councillor Townshend
Councillor Kelly	Councillor Williams
Councillor Kelsey	

Apologies:- Councillor Ruddy

69. Minutes

The minutes of the meeting held on 13th September, 2005, were signed as a true record.

70. Illuminated Address

The Lord Mayor presented Councillor Gazey, Lord Mayor for 2004/2005, with his illuminated address.

71. **Minutes Silence**

The Lord Mayor led a minutes silence in memory of the devastation caused by the recent Asian earthquake, the recent bomb attacks in Delhi and in honour of the Remembrance Ceremony that had taken place that day for the victims of the London bomb blasts.

72. **Petitions**

RESOLVED that the following petitions be referred to the appropriate City Council body/external organisation:-

- (a) **Overgrown Trees in Three Spires Avenue - 38 signatures presented by Councillor Mulhall.**
- (b) **Planning Application – 10-12 Crabmill Lane - Coventry YMCA - 116 signatures presented by Councillor Ahmed.**
- (c) **Against Planning Application - Arden Park Residential Care Home - 97 signatures presented by Councillor Mrs. Dixon.**
- (d) **T-Mobile Mast – Land North of Caludon Inn, St Austell Road – 119 signatures presented by Councillor Mrs. Dixon.**
- (e) **Sunday Opening at Holyhead Fish Saloon - 45 signatures presented by Councillor Mrs. Rutter.**
- (f) **Crossing in Grange Road, Longford - 44 signatures presented by Councillor Mrs. Bigham.**
- (g) **Destruction of Green Space – Blackberry Lane – 250 signatures presented by Councillor Mrs. Dixon.**
- (h) **Bus Shelter, Hermes Crescent - 12 signatures presented by Councillor Mrs. Dixon.**

73. **Declarations of Interest**

The following Members declared interests in the matters referred to in the minute indicated. The relevant minutes recording the decisions also record, where appropriate, the actions that Members decided to take at the meeting indicated, having regard to the National Code of Government Conduct and the City Council's Constitution:-

Interests in Questions

Prejudicial

Member

Minute Number

Councillor Sawdon

75 (question relating to overspend at University College Hospitals Walsgrave Trust)

Councillor Townshend

75 (question relating to overspend at University College Hospitals Walsgrave Trust)

Interests in debates

Personal

Member	Minute Number
Councillor Townsend	89

Interests in Recommendations for the City Council

Personal

Member	Minute Number
Councillor Ahmed	81

74. 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 part of the item of business contained in Minute 81/05 below relating to "Swanswell Initiative – Land Disposal to City College" on the grounds that the item involves the likely disclosure of exempt information as defined in Schedule 12A of that Act, in particular Paragraphs 7 and 9 of that Schedule.

75. Question Time

The appropriate Members answered all the questions set out in the Questions Booklet, together with the supplementary questions put to them at the meeting.

The following Members answered oral questions put to them by other Members as set out below, together with supplementary questions on the same matters:-

Question Asked By	Question Put To	Subject Matter
Councillor Kelly	Councillor Foster	Reorganisation of refuse collection – potential to increase recycling of paper and green waste
Councillor McNicholas	Councillor Kelsey	Official opening of Neighbourhood Management Office in Stoke Aldermoor
Councillor Townshend	Councillor Foster	Decision to cease/limit of use of St. Mary's Hall/Crypt for social functions / weddings
Councillor Townshend	Councillor Foster	Decision to alter refuse collection rounds

Councillor Townshend	Councillor Foster	Delay to replanting of trees/shrubs on Binley Road
Councillor Chater	Councillor Foster	Dumping of supermarket trolleys in Coventry Canal, Longford
Councillor Chater	Councillor O'Neill	Visibility of Police Officers, Police Community Support Officers, and Neighbourhood Wardens
Councillor Mrs. Stone	Councillor Foster	Programme for roll out of extended kerb side recycling scheme
Councillor Mrs. Stone	Councillor Arrowsmith	Radar system to prevent dumping of supermarket trolleys
Councillor Nellist	Councillor Matchet	Impact of alleged £7m overspend at University College Hospitals Walsgrave Trust
Councillor Nellist	Councillor Taylor	Member attendance at employee briefings
Councillor Skipper	Councillor Ridley	Non-participation in consultation exercise re: Centre of Museums and Art Galleries in England
Councillor Skipper	Councillor Ridley	Progress with Coombe Park boat house
Councillor Patton	Councillor Foster	Absence of hanging baskets/planters on Hinckley Road
Councillor Patton	Councillor Kelsey	Provision of Blackberrys for all Councillors
Councillor Patton	Councillor Taylor	Grievance Procedure for Councillors
Councillor Patton	Councillor Matchet	Self-help Gating Scheme
Councillor Field	Councillor Blundell	Government White Paper on Education
Councillor Clifford	Councillor Matchet	Invitation to all Members to attend Scrutiny Board 4 which David Roberts, Chief Executive of University College Hospitals Walsgrave will be attending

76. Scrutiny Board (4) (Health) Response to Department of Health Consultation on the Smoke Free Element of the Health Improvement and Protection Bill

Further to Minute 16/05 of Scrutiny Board 4 (Health), the City Council considered a report of Scrutiny Board 4 (Health) which set out the Board's response to the Department

of Health's consultation on the smoke free elements of the Health Improvement and Protection Bill.

RESOLVED that the City Council approve the response to the consultation as attached at Appendix 1 to the report submitted.

77. Strategic Partnering Agreement – Coventry Care Partnership Limited

Further to Minute 96/05 of the Cabinet, the City Council considered a joint report 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 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 had been awarded LIFT status and the LIFT model of procurement had 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 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.

RESOLVED that the City Council:-

- (1) 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.**

78. Review of Organisational Structure

Further to Minute 97/05 of the Cabinet, the City Council considered a report of the Chief Executive which responded to the consultation on the review of Organisational Structure 2005.

There had been no opposition in the consultation to the general principles of setting up a Community Services Directorate, or to the regrouping of the Council's Research, Forward Planning, Scrutiny, Performance and Efficiency/Value for Money functions in the Chief Executive's Directorate. Comments received generally focused on specific functional issues.

RESOLVED, that the City Council:-

- (1) Approve the creation of a Community Services Directorate containing the existing service units relating to Adult Services, Older People Services and Housing Strategy, and a newly configured**

service of Culture, Leisure and Libraries, as set out in Appendix A to the report submitted.

- (2) Agree to 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 to the report submitted.**
- (3) Agree to ensure that the organisational arrangements for Scrutiny reflect the Scrutiny Board Chair/Leadership and Member agenda, as set out in Paragraph 5.1 of the report submitted.**
- (4) Delegate to the Chief Executive, in consultation with the relevant Cabinet Members, the detailed arrangements for the changes.**

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

Further to Minute 102/05 of the Cabinet, the Council considered a report of the Director of City Services which set out the background to the Hampton Review, its aims and recommendations and requested members to consider the Consumer and Trading Standards Agency (CTSA) and its potential impact on the Local Authority Trading Standards Service. The report also set out responses to the Department of Trade and Industry consultation on the proposed CTSA as attached at Appendix A to the report.

RESOLVED, that the City Council:-

- (1) Notes the key recommendations of the Hampton Review and the potential impact on trading standards services.**
- (2) Agrees the final response to the Consumer and Trading Standards Agency consultation as included at Appendix A to the report submitted.**

80. Homeless Strategy 2005-2010

Further to Minute 104/05 of the Cabinet, the Council considered a report of the Director of Social Services and Housing that set out the City Council's Homeless Strategy for the years 2005-2010. The Strategy had been produced in consultation with the Homeless Strategy Implementation Group after a wide-ranging consultation process with partner agencies and other stakeholders in both the statutory and voluntary sectors.

RESOLVED, that the City Council approve the actions set out in the Homelessness Strategy.

81. Swanswell Initiative – Land Disposal to City College

Further to Minutes 120/05 and 133/05 of the Cabinet, the City Council considered two reports, one in public and one in private, which sought approval for the disposal of City Council land to City College Coventry to enable them to develop a new flagship college in the Swanswell Initiative area.

Councillor Mutton moved the following amendment, which was seconded by Councillor Duggins and carried:-

"We are very concerned about the wellbeing of all our residents. We are particularly concerned about disabled people and their quality of life. The Swanswell regeneration project will, when completed, enhance the area and improve the quality of life for the residents in the area as well as enhancing the city generally. Unfortunately it is necessary to remove a number of properties specially built for the disabled but we will ensure that these tenants are adequately rehoused in the area if they wish to stay there and that properties will be replaced before residents move to vacate their existing properties, with properties of a similar if not better specification as soon as possible."

RESOLVED, that the City Council:-

- (1) Approve the disposal of the land, shown edged black on the plan appended to the report submitted, to the College on the terms detailed in Section 4 and Appendix 2 to the private report submitted, and note that the receipts, less the cost of site preparation, will be allocated to corporate reserves.**
- (2) Authorises the purchase of the properties detailed in Appendix 1 to the report submitted, in advance of the Compulsory Purchase Order, and for compensation to be paid to any parties having compensatable interests in accordance with the compensation code; and, that the City Council will ensure that the tenants of those properties specially built for the disabled will be adequately rehoused in the area, if they wish to stay there, and that the properties will be replaced, before the residents move to vacate their existing properties, with properties of a similar if not better specification as soon as possible.**
- (3) Approve the utilisation of up to £2.5m of the Capital Programme allocation for the Swanswell regeneration scheme, to fund the acquisition of property detailed in Appendix 1 to the private report submitted.**
- (4) Notes 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 the Castle Place Industrial Estate, to ensure that the Swanswell Master Plan design principles are met and that a further report will be brought detailing how the Council will contribute to the funding and operation of the car park.**

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

Further to Minute 120/05 of the Cabinet, the City Council considered a report of the Director of City Development that sought approval for the compulsory acquisition of property and interests to facilitate delivery of the Swanswell Initiative Learning Quarter.

Before the Order can be formally confirmed, outline planning permission for Phase 2 City College, to include a Multi-Storey Car Park, will be required to be granted; this would be pursued by City College. On 21st July 2005 the Planning Committee

granted planning permission for Phase 1, subject to two conditions and a Section 106 Agreement being concluded.

RESOLVED that the City Council:-

- (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 No. 1) Compulsory Purchase Order 2005" as 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.**

83. Review of Members' Allowances

Further to Minute 123/05 of the Cabinet, the City Council considered a joint report detailing part of the recommendations of the Independent Remuneration Panel from November 2003, a decision on which had been deferred by the City Council at their meeting on 16th December, 2003 (Minute 86/03 refers), pending the outcome of single status. The report proposed the backdating of the scheme of Members' allowances to the Annual General Meeting of the Council held on 17th May 2005.

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 an Independent Remuneration Panel before it introduces a Members Allowance Scheme, although the City Council was not obliged to object to adopt any recommendation that the Panel may make. It was noted that an allowance was paid to the Lord Mayor, to cover the expenses of both Lord Mayor and the Lady Mayoress and was currently set at £29,520. This payment did not form part of the Allowances Scheme as it was not covered by the Regulations. The Lord Mayor does not receive a basic or any other allowance, and the allowance, as with all other member allowances, was increased annually in line with the national pay award for local authority staff.

RESOLVED that the City Council:-

- (1) Amend the scheme of members allowances, backdated to 17th May, 2005 (the date of the Annual General Meeting of the Council), as indicated in the report submitted so as to:-**
 - (i) Increase the Special Responsibility Allowance for the Chairs and Deputy Chairs of Licensing and Regulatory and Planning Committees to the same rate currently paid to the 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 a Dependant's Carers Allowance (at anticipated minimal cost).**
 - (iii) Introduce a Co-optees' Allowance for all Co-opted Members (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 municipal 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's Carers' 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 at (5) below.**
- (4) Take no further action on the other recommendations in the Independent Remuneration Panel's report.**
- (5) Request that the Independent Remuneration Panel meet in the Municipal Year 2006/2007 to further review the Scheme of Members' Allowances and to make appropriate recommendations.**

84. Possible Changes to the Use Classes Order: Casinos

Further to Minute 124/05 of the Cabinet, the City Council considered a joint report that outlined possible changes to the Use Classes Order for Casinos, explained what those changes could mean to Coventry and also set out the City Council's response to the consultation by the Office of the Deputy Prime Minister.

The Gambling Act 2005 will permit three categories of new casinos to operate in Britain. Currently the legislation will allow one very large regional (national) casino, along with eight large and eight small casinos. The Act will introduce a new threefold licensing regime, two elements of which would be administered by the Gambling Commission and the third, relating to premises licensing will be the responsibility of local authorities.

RESOLVED that, the Council approve the response to the consultation as set out in the report submitted, supporting option 2.

85. Response to the Electoral Commission Consultation Paper – Periodic Electoral Review

Further to Minute 127/05 of the Cabinet, the City Council considered a report of the Director of Legal and Democratic Services which sought approval to a response to the Electoral Commission in relation to a consultation paper on Periodic Electoral reviews which had been issued by the Electoral Commission on 2nd September, 2005. The Consultation Paper and the City Council's proposed draft response were appended to the report submitted, the deadline for the responses was 25th November, 2005.

RESOLVED that the Council approve the draft response for submission to the Electoral Commission by the deadline of 25th November, 2005.

86. Response to Government Consultation on the "Youth Matters" Green Paper

Further to Minute 141/05 of the Cabinet, the City Council considered a report of the Acting Director of Education and Libraries which summarised the outcome of the local consultation process on the Government's Green Paper "Youth Matters" and set out the proposed response of the City Council.

The Green Paper aimed to create a coherent, modern system of support to ensure that all young people meet the five "every child matters" outcomes of being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic wellbeing. The consultation had canvassed views from within the City Council, the Children and Young People Strategic Partnership, young people, secondary schools and the voluntary sector. It was noted that representatives of the Coventry Youth Council had found it patronising to receive a different version of the consultation document to adults.

RESOLVED that the City Council approve the consultation response to the "Youth Matters" Green Paper.

87. Police Force Structures

Further to Minute 142/05 of the Cabinet, the City Council considered a report of the Head of Corporate Policy which sought approval to a draft response to a recent request from the Chief Constable, West Midlands Police and the Chair of the West Midlands Police Authority for views on the possible reorganisation of police forces. The request had been received on 13th October, 2005 and asked for views by the end of October, 2005.

Earlier this year the Home Secretary sought reassurance from Her Majesty's Inspectorate of Constabulary (HMIC) that the current arrangements for policing in England and Wales were fit for the future. HMIC conducted an inspectorate and concluded that the present structure was not sufficiently robust to provide the appropriate level of 'protective services' such as major investigations and civil contingencies that were increasingly necessary.

The Home Secretary recognised that there were a number of restructuring options and the aim was to create a structure that balances the desire for sustainable local policing with the ability to cope with major incidents, serious crime, public disorder and terrorism.

RESOLVED that the City Council approve the draft response as appended to the report submitted as the City Council's response on the consultation on the proposed restructure of police forces.

88. Scrutiny Boards' Annual Report to the City Council 2004/2005

The Council considered and noted the Scrutiny Boards' Annual Report to the City Council 2004/2005, which detailed the information on the work of each of the Scrutiny Boards and the Scrutiny Co-ordination Committee, including their review work. This report was the third annual report by the Council's Scrutiny Boards and set out both factual information about the Scrutiny Boards and their work and other information relating to the scrutiny function as well as providing an analysis of the performance of Scrutiny.

89. Debate – Licensing Act 2003

Councillor Mrs. Stone moved the following motion, which was seconded by Councillor Benefield:-

"This Council notes with concern the negative impact the Licensing Act 2003 has had on the citizens of Coventry, and calls for an urgent review of Council procedure.

The concept of extended licensing hours was supposed to combat the ever growing problem of alcohol related anti-social behaviour.

This Council acknowledges that this has not been residents' experience. Residents have, in fact, been disadvantaged by the Act, which promised to give residents some influence over the conditions applied to licences, but this has not happened."

The following amendment was moved by Councillor Mrs. Johnson, seconded by Councillor Lee and carried giving rise to the following substantive motion:-

"This Council notes with concern the possible impact which the Licensing Act 2003 may have on the citizens of Coventry.

This Council welcomes the introduction of both the new "It's Your Call Hotline" which operates 24 hours, seven days a week and the extra powers granted under the new Act which will enable citizens to call for a review of the Premises Licence.

This Council also notes that the Statement of Licensing Policy approved by Full Council on 14th December, 2004, allows for this policy to be reviewed on a regular basis and this will commence once the new act is in force."

(NOTE: In respect of the above amendment, a recorded vote was required in accordance with Paragraph 4.1.71 of the City Council's Constitution in relation to the substantive motion. The Members voting for and against the amendment were as follows:-

For

Councillor Arrowsmith
Councillor Ahmed

Against

Councillor Mrs. Basu
Councillor Benefield

Abstain

Councillor Arrowsmith
Councillor Asif
Councillor Auluck
Councillor Batten
Councillor Bhyat
Councillor Bigham
Councillor Blundell
Councillor Charley
Councillor Cliffe
Councillor Clifford
Councillor Crookes
Councillor Mrs. Dixon
Councillor Duggins
Councillor Foster
Councillor Gazey
Councillor Mrs. Griffin
Councillor Mrs. Harper
Councillor Harrison
Councillor Mrs. Johnson
Councillor Kelly
Councillor Kelsey
Councillor Mrs. Lancaster
Councillor Lee
Councillor McNicholas
Councillor Maskell
Councillor Matchet
Councillor Mulhall
Councillor Mutton
Councillor H. Noonan
Councillor M. Noonan
Councillor O'Neill
Councillor Patton
Councillor Ms. Reece
Councillor Ridge
Councillor Ridley
Councillor Mrs. Rutter
Councillor Sawdon
Councillor Skipper
Councillor Taylor
Councillor Williams
Lord Mayor

Councillor Field
Councillor Ms. Hunter
Councillor Ms. McKay
Councillor Nellist
Councillor Mrs. Stone

Result:- 43 for
7 against
0 abstentions

A further amendment was moved by Councillor Ms. McKay, seconded by Councillor Nellist and lost:-

"Add new paragraph 3:-

For this to effectively empower residents then systems of monitoring nuisance, the ability of residents to prove nuisance and enforcement action all need to be significantly improved. This will involve investment in the resources and staffing of these departments, and a strengthening of links between the agencies involved in Licensing and in Public Protection."

RESOLVED that the substantive motion, as set out above, be adopted.

90. **Debate – Public Consultation Exercises**

Councillor Williams moved the following motion, which was seconded by Councillor Matchet:-

"This Council expresses its concern at the rushed timescales, lack of opportunity for genuine public consultation and lack of clear democratic accountability in the Governments recent proposals to restructure major public services including:-

- Police
- Fire
- Ambulance
- Health

Council is over minded as to the appropriate organisational structure for the local delivery of each service and supports in principle Government's suggestion that service structures need to reflect strategic priorities and delivery. Council will support arrangements that:-

- Facilitate the Council's working with major partners including appropriate coterminous boundaries.
- Support the local delivery of key services at neighbourhood level with citizen involvement and effective scrutiny.
- Provide for elected member representation from the City Council on regional or sub-regional government bodies."

RESOLVED that the motion as set out above be adopted.