

COUNCIL OF THE CITY OF COVENTRY

18 September 2007

PRESENT

Lord Mayor (Councillor Batten)

Deputy Lord Mayor (Councillor Matchet)

Councillor Adalat	Councillor Khan
Councillor Ahmed	Councillor Lakha
Councillor Arrowsmith	Councillor Lee
Councillor Asif	Councillor Mrs Lucas
Councillor Bains	Councillor Maton
Councillor Benefield	Councillor McNicholas
Councillor Mrs. Bigham	Councillor Mulhall
Councillor Blundell	Councillor Mutton
Councillor Charley	Councillor Nellist
Councillor Chater	Councillor Noonan
Councillor Cliffe	Councillor O'Boyle
Councillor Clifford	Councillor O'Neill
Councillor Crookes	Councillor Patton
Councillor Mrs. Dixon	Councillor Miss Reece
Councillor Duggins	Councillor Ridge
Councillor Foster	Councillor Ridley
Councillor Gazey	Councillor Sawdon
Councillor Mrs. Griffin	Councillor Skinner
Councillor Mrs Harper	Councillor Skipper
Councillor Harrison	Councillor Smith
Councillor Harvard	Councillor Sweet
Councillor Ms. Hunter	Councillor Taylor
Councillor Mrs. Johnson	Councillor Townshend
Councillor Kelly	Councillor Williams
Councillor Kelsey	Councillor Windsor

Apologies: Councillor Waters

39. **Minutes**

The minutes of the meetings held on 26 June and 17 July were signed as true records.

40. Former Councillor Ron Morgan

The Lord Mayor referred to the recent death of Mr Ron Morgan. Ron was a former Elected Member of the City Council twice during the 1960s and 1970s and owner of Coventry Toy Museum in one of the Cities oldest buildings by Whitefriars Gate,

Members, having paid tribute to Mr Morgan, noted that a letter of condolence would be sent on behalf of the City Council to his family.

41. Petitions

RESOLVED that the following be referred to the appropriate City Council body or external organisation:

- (a) Landlord and Tennant Issues in Cannon Park – 120 signatures presented by Councillor Sawdon.**
- (b) Request for Closure/Gating of Footpath Adjacent to No 27 Pembury Avenue – 36 signatures presented by Councillor Duggins.**
- (c) Request for Surveillance System at the entry from Blackwatch Road Park – 13 signatures presented by Councillor Skipper.**
- (d) Relocation of Bus Shelter on Bennetts Road South – 23 signatures presented by Councillor Gazey.**
- (e) Objections to DASP Closure – 275 signatures presented by Councillor Patton.**
- (f) Request to Repair Pavements in the West of the City – 23 signatures presented by Councillor Williams.**
- (g) Heavy Goods Vehicles Using an Inappropriate Route to the Browns Lane Plant – 20 signatures presented by Councillor Williams.**
- (h) Objecting to Removal of Pedestrian Refuge from outside Jephson Court in Aldermans Green Road – 20 signatures presented by Councillor Harvard.**
- (i) Request for re-examination of the Eligibility Criteria – 713 signatures presented by Councillor Patton.**
- (j) Request for Gating at Rear of Properties in Aldermans Green - 8 signatures presented by Councillor Duggins.**
- (k) Request for Bus Stop at the Corner of Freehold Street and Harnall Lane East – 578 signatures presented by Councillor O'Boyle.**
- (l) Request for Better Bus Services to Ball Hill and the Town Centre – 210 signatures presented by Councillor Patton.**
- (m) Objecting to a T-Mobile Apparatus sited on Clifford Bridge Road – 54 signatures presented by Councillor Mrs Dixon.**

- (n) **Request for Installation of CCTV Cameras at Valley Road and Edale Way – 42 signatures presented by Councillor Bains.**
- (o) **Request to Replace Security Fence in Yarningale Road - 16 signatures presented by Councillor Chater**
- (p) **Request to Provide the necessary Funding and Support to enable WATCH to continue – 476 signatures presented by Councillor Nellist**
- (q) **Request for a more widespread consultation in respect of the proposed Strategic Growth Initiative – 132 signatures presented by Councillor Gazey**
- (r) **Request that Licensing Committee consider reducing the number of alcohol off-licence sales in the area around Radford Common – 10 signatures presented by Councillor Gazey**

42. Declarations of Interest

The following members declared interests in the matters referred to in the minutes 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 Conduct for Members and the City Council's Constitution:

(a) Interests in Recommendations

Personal

Member	Minute No.
Councillor Maton	55

(b) Interests in Debates

Prejudicial

Member	Minute No.
Councillor Chater	56
Councillor Harrison	56
Councillor Harvard	56 and 57
Councillor Sawdon	56
Councillor Townshend	56

Personal

Member	Minute No.
Councillor Ahmed	57

(c) Interests in Questions

Prejudicial

Councillor Foster

43

43. Question Time

The appropriate members provided a written response to all the questions set out in the questions booklet, together with an oral response to 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
1	Councillor Lakha	Councillor Williams	Audit Commission's ICT Healthcheck
2	Councillor Nellist	Councillor Cliffe	That the Constitution Working Group consider a protocol for the cancellation of Council meetings
3	Councillor Harrison	Councillor Williams	Scrutiny Co-ordination Serco Review Group Meetings
4	Councillor Kelly	Councillor Blundell	Legal Costs incurred to defend an appeal to allow a child with special educational needs to attend a school in Lichfield.
5	Councillor Chater	Councillor Sawdon	Car park charges at Coombe Park
6	Councillor Lakha	Councillor Mrs Johnson	ICT Strategy
7	Councillor Maton	Councillor Sawdon	Expanding facilities for young people
8	Councillor Townshend	Councillor Mrs Johnson	Timetable to report procedures in relation to Single Status Employment Tribunals
9	Councillor Skinner	Councillor Mrs Johnson	Arrangements of employ Remploy staff
10	Councillor Lee	Councillor Noonan	Britain in Bloom award
11	Councillor Sweet	Councillor Taylor	Car parking charges
12	Councillor Skipper	Councillor Taylor	Increase in fees and charges
13	Councillor Sweet	Councillor Blundell	Wyken Croft School crossing patrol
14	Councillor Mutton	Councillor Sawdon	Action on Audit Committee report
15	Councillor Mutton	Councillor Taylor	Rumours of redundancies
16	Councillor Sawdon	Councillor O'Neill	Council Tax arrears

RESOLVED that in relation to questions 3, 4, and 13 above, a written response be submitted to all members of the Council in accordance with paragraph 4.1.24 of the Constitution.

(Note: Having declared a prejudicial interest, Councillor Foster withdrew from the meeting during consideration of the question relating to the Bus Lane on Hearsall Common)

44. Statement by the Leader of the Council

The Council noted that there was no statement by the Leader.

45. **Proposed Amendments to the Constitution**

Further to Minute 01/07 of the Standards Committee, the City Council considered a report of the Director of Legal and Democratic Services that outlined proposed changes to the Constitution following consideration of this matter by the Constitution Working Group.

Currently, the Constitution indicated that decisions of the Cabinet or any Cabinet Member which were urgent (ie. any delay likely to be caused by the call-in process, whereby non Cabinet Members have the right to ask for a decision to be scrutinised, would prejudice the Council's or the public's interest) were not subject to call-ins. In such cases, the records of the decisions reflected the reasons for urgency and stated that they were therefore not subject to call-in. In addition, the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, must attend meetings where urgent decisions are taken and they are asked to agree the need for urgency.

In practice, in most instances, there was the opportunity for the Scrutiny Co-ordination Committee to consider urgent reports prior to their consideration by Cabinet or Cabinet Members and to agree the need for urgency.

Approval was sought to amend the Constitution to remove the requirement in paragraph 4.5.27.3 for the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, if the Scrutiny Co-ordination Committee has already given their approval to a decision being taken urgently so that call-in does not apply. However, the requirement to attend would still stand where the Scrutiny Co-ordination Committee had not had the opportunity to consider an issue prior to its consideration by Cabinet or Cabinet Member, or if they did not agree that a decision could be taken urgently so that call-in did not apply.

The Statement of Accounts was approved by the City Council. However, prior to its consideration by Council, it was considered by the Audit Sub-Committee, Scrutiny Board (1) and Cabinet.

Approval was sought to amend the Constitution so that instead of the Statement of Accounts being considered at three separate meetings prior to its submission to Council, it was considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1) to which all Members of the Council were invited to attend.

During the course of the last Municipal Year, there had been occasions when a "minor technical" amendment had been moved to a Motion or Recommendation, which the Proposer of that Motion or Recommendation had been minded to accept. However, the Constitution specifically precludes an amendment from being accepted. The Constitution Working Group asked that a form of wording be provided that would allow the Proposer of a Motion/Recommendation to "accept minor technical amendments" without control of the Motion/Recommendation passing to the Mover of that amendment.

Consideration had been given to this issue and it was recommended that rather than trying to define a "minor technical" amendment, instead, it should be up to the Proposer of the substantive Motion whether or not they wish to accept the amendment, whatever it is.

This would mean deleting the second sentence of paragraph 4.1.62 of the Constitution and replacing it with the following words:-

"When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in paragraph 4.1.50 will not apply".

Throughout the last Municipal Year, the Constitution Working Group had been looking at ways of improving Council meetings. Currently, Question Time was near the start of the agenda, and this could last for up to two hours. It was proposed to change the order of the agenda so that matters left for determination by the Council and Recommendations (ie. the business of the Council meeting) were considered nearer the start of the meeting, after declarations of interest, to be followed immediately by Question Time. An appendix to the report detailed both the current order of business together with the proposed order.

RESOLVED that the City Council make the following changes to the Constitution:

- (a) Remove the requirement in Paragraph 4.5.27.3 of the Constitution for the Chair of the Scrutiny Co-ordination Committee, or his/her nominee, to attend the relevant meeting of the Cabinet or Cabinet Member, if the Scrutiny Co-ordination Committee had already given their approval to a decision being taken urgently so that call-in did not apply.**
- (b) That the Statement of Accounts be considered at a Joint Meeting of the Audit Sub-Group and Scrutiny Board (1), to which all Members of the Council are invited to attend, prior to its consideration by Council.**
- (c) The proposed change to Paragraph 4.1.62 of the Constitution as set out in paragraph 4.3 of the report, in relation to accepting amendments to Motions/Recommendations.**
- (d) The changes to the order of the Council agenda so that matters left for determination by the Council and Recommendations (ie. the business of the Council meeting) are considered nearer the start of the meeting after declarations of interest, to be followed immediately by Question Time, as detailed in the appendix to the report.**

46. Audit Committee – Addition to Terms of Reference

Further to Minute 12/07 of Scrutiny Board (1) (designated as the Council's Audit Committee), the City Council considered a report of the Head of Corporate Policy that proposed an addition to the current terms of reference for Scrutiny Board (1) in relation to its audit responsibilities.

In September 2006, terms of reference for this area of work were revised to take account of the latest CIPFA guidance and these were set out in an Appendix to the

report. The Board had subsequently established an Audit Sub-Group to consider audit issues.

At its informal planning meeting on 6th June 2007, the Board decided that, if possible, monitoring of the Council's revenue and capital programmes should form part of its audit function and be carried out by the Audit Sub-Group. It was therefore proposed that in addition to the Board's consideration of the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's accounts, the Board's terms of reference be amended to include the monitoring of the City Council's revenue and capital programmes and the consideration of the City Council's Annual Statement of Accounts, prior to its consideration by the full Council.

RESOLVED that the City Council approve the addition to the Audit Sub-Group's terms of reference in relation to its audit responsibilities.

47. Appointment of Honorary Recorder of the City of Coventry

Further to Minute 67/07 of the Cabinet, the City Council considered a report of the Director of Customer and Workforce Services, which sought approval for the appointment of a new Honorary Recorder for the City following the retirement of His Honour Judge Richard Cole.

The report outlined the historical background which led to the appointment of Honorary Recorders and indicated that the City Council had appointed its first Honorary Recorder in August 1971 and since that date there had been 5 post holders. It was noted that the post was mainly ceremonial in nature, but did allow for the historic links between the City and the judiciary to be maintained.

His Honour Judge Richard Cole was appointed to the post in 1999, but had had to relinquish it as a result of his retiring from the Judicial Bench. Councillors had paid tribute to Judge Cole's long and distinguished service as Honorary Recorder at the Council meeting held on 26th June 2007, and the contribution he had made to civic life.

The link between the Judiciary and the City was clearly an important one and one which should be maintained. It was therefore proposed that a new Honorary Recorder should be appointed. It was custom for the City Council to offer the position to a Circuit Judge or Recorder serving on the judicial circuit which serves the City. As a result, an informal approach had been made to His Honour Judge Christopher Hodson QC, who was the Senior Circuit Judge in Coventry and who sits in the Crown Court in the City. His Honour Judge Hodson had indicated that he would be willing to accept the post of Honorary Recorder if it were to be offered to him.

RESOLVED that the City Council appoint His Honour Judge Christopher Hodson as Honorary Recorder for the City of Coventry.

48. Proposed Amendments to the Constitution – Written Questions at Council

Further to Minute 9/07 of the Standards Committee, the City Council considered a report of the Director of Customer and Workforce Services which outlined a proposed change to the Constitution in relation to written questions at Council meetings, following consideration of this matter by the Constitution Working Group.

Currently, the Constitution provides for written questions as part of Question Time at Council meetings. Councillors may put in writing a question concerning any matter to be answered at the meeting by the appropriate Cabinet Member, Chair, or other Councillor. Questions must be submitted no later than 9.00 a.m. at least five clear working days before a Council meeting. The questions are then produced in a Questions Booklet and sent out with the agenda for the meeting. All Councillors are then aware of the questions submitted and the appropriate Cabinet Member, Chair, or other Councillor has time to prepare the response to be given at the Council meeting.

In practice, some Councillors have been circulating a written response to the Councillor who has asked the question before the Council meeting and have then just briefly referred to the answer at the meeting, without going into too much detail. Whilst this practice ensured that the Councillor asking the question had been supplied with all the relevant information and it speeds up Question Time, other Councillors or members of the public present at the meeting have not been party to the information.

Recognising the benefits of circulating written responses in advance of the meeting, the Constitution Working Group requested that a procedure be piloted at the June 2007 Council meeting whereby written answers to written questions were circulated to all Councillors in advance of the meeting as well as being available on the day. A copy of the procedure was detailed in an appendix to the report.

The Constitution Working Group reviewed the pilot at their meeting on 25th July 2007 and concluded that it had been successful. They therefore requested that the Standards Committee be recommended to amend the Constitution so that the procedure is adopted for all Council meetings, and that, in the meantime, the pilot be extended until the amendment to the Constitution is approved by Council.

RESOLVED that the City Council amend to the Constitution so that written answers are provided to written questions in advance of Council meetings, in accordance with the procedure detailed in the appendix to the report.

49. Adoption of the New Code of Conduct for Councillors

Further to Minute 72/07 of the Cabinet, the City Council considered a report of the Director of Finance and Legal Services recommending the formal adoption of the new Code of Conduct for Councillors with effect from the 19th September 2007, and seeking views as to any possible training which would need to be provided to Councillors in relation to the new Code, which the Council was required to adopt by the 1st October 2007.

The report had been considered by the Standards Committee at their meeting on the 5th September 2007, and they had approved those aspects relevant to them.

The report set out the background and highlighted changes introduced in the new code, which was appended to the report submitted. Also appended was a Guide published by the Standards Board.

The first of the changes introduced was that the scope of the Code had been widened to include not only when a councillor was on the business of the authority, but also when he or she acted, claimed to act, or gave the impression of acting as a representative of the authority. The Code also made it clear, following the High Court's decision in relation to the case concerning the Mayor of London, that activities undertaken in a private capacity were not covered unless those resulted in a criminal conviction.

The requirement in the old Code not to unlawfully discriminate had been replaced with a duty not to do anything which would result in a breach of any of the equality enactments.

A new provision had been included prohibiting a councillor from bullying or intimidating or attempting to intimidate others.

Another new provision allowed councillors to disclose confidential information if such disclosure would be "reasonable and in the public interest and disclosure is made in good faith." The Standards Board for England had promised guidance on the interpretation of this provision.

In relation to the use of resources, the Code now made it clear that using resources for "political purposes" included party political purposes and also required councillors to have regard to the Local Authority Code of Publicity.

The previous "whistle-blowing" provision which required any member who became aware of a potential breach of the Code by another councillor to report it to the Standards Board, had been deleted. The reason for this was that the Government felt that this was encouraging councillors to make trivial allegations.

A new rule had been inserted in the Code in relation to personal interests which required a councillor to declare such an interest if they had received a gift or hospitality with a value of more than £25 within three years of the date of the meeting. The Government included this change, as they believed it reinforces the principles of accountability and openness in the conduct regime.

There had been substantial changes in the rules that govern the declarations of personal interests within the authority's area. Under the old Code, a personal interest could arise if the decision affected the councillor to a greater extent than other residents of the whole of an authority's area. This had now been changed so that it only related to an electoral division or ward. The Government's purpose in this change was to enable members to take a greater part in Council meetings to represent the communities that had elected them. The Government's consultation paper gave the example that this would allow local councillors to speak on issues at Planning or Licensing Committees, where issues affected their wards.

In the old Code, definitions were given of a relative, but not of a friend. This has now been replaced by reference to "a member of your family or any person with whom you have a close association". The term "close association" was not defined in the Code but was referred to in the Standards Board guidance.

A new provision had been introduced which was designed to avoid the unnecessary declarations of personal interests at meetings. Under this provision, if a councillor had been appointed by the City Council as its representative on another body or if that body exercised functions of a public nature, then the councillor did not need to declare an interest unless he/she actually addressed the meeting on that business.

Under the new Code, the opportunity had been taken to add to the exemptions which apply in relation to the declaration of prejudicial interest.

The opportunity had been taken to re-visit the rules on prejudicial interest at Overview and Scrutiny Committees. The new wording now made it clear that councillors should only be debarred from involvement in the Scrutiny function in cases where they will be scrutinising decisions in which they were involved in the decision-making process.

An important new addition to the Code was the ability for a member, even though they had a prejudicial interest, to attend a meeting for the sole purpose of making representations, asking questions or giving evidence, provided that the public were also allowed to attend the meeting and that the member concerned withdrew from the meeting immediately after making their representation. The intention behind this change was to provide clearer and more proportionate rules on participation in Council meetings and again to allow councillors to represent their constituents.

The rules on the registration of members' Interests were retained and all councillors would be required, within 28 days of the adoption of the Code, to register their interests. All changes to interests must also be declared within 28 days, with all registrations having to be in writing and made to the City Council's Monitoring Officer. There was a new provision which allowed "sensitive information" in relation to a member's interests to be withheld from the public register and, to fall within that category, the information must be likely to pose a serious risk that disclosure of it could lead to a councillor or any member of their family being subjected to violence or intimidation.

The Cabinet were informed that, at their meeting on the 5th September, 2007, the Standards Committee had considered the report in some depth and pointed out an error in the Statutory Instrument in that, in 1 (2) (b), there was no reference to Metropolitan Councils; the Monitoring Officer was requested to write to point out this omission.

The Standards Committee had recommended the proposals in the report for the Cabinet to request the Council to adopt.

In relation to the training of councillors, the Standards Committee had noted that the Monitoring Officer was currently looking at arranging some in-house training, to be provided by an external trainer, possibly offering that training up to neighbouring authorities to make it more cost-effective.

The Standards Committee had noted that the Standards Board had produced a DVD which illustrated key changes to the Code and they had agreed that this should form part of the training and that councillors should view this DVD at the earliest opportunity.

The Committee had indicated that they would like to be invited to the training and will view the DVD at their next meeting.

The Standards Committee had also noted that the Monitoring Officer would be writing to all councillors the day after the Code is adopted by the City Council and would receive a further report at their next meeting in relation to the "new notification" of interest form.

Having considered the above views of the Standards Committee, and after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet decided to approve the recommendations relevant to them and to recommend to full Council that the Code of Conduct be adopted.

At the Cabinet meeting, Councillors Mutton and Nellist had raised questions and concerns about paragraph 4.6 of the report relating to the disclosure of confidential information. The Monitoring Officer agreed that the relevant provision was less specific than it might ideally have been and undertook to seek appropriate guidance on this matter and, in respect of this, a letter of clarification was tabled at the meeting.

RESOLVED that the City Council

- (1) Adopt, without alteration, with effect from the 19th September 2007, the Model Code of Conduct set out in Appendix 1 to the report submitted.**
- (2) Incorporate in that Code, as a preamble, the Ten General Principles of Public Life as set out in the Standards Board document attached as Appendix 2 to the report submitted.**

50. Amendments to the Constitution and Appointment of Proper Officers

Further to Minute 73/07 of the Cabinet, the City Council considered a report of the Chief Executive seeking approval, with effect from the date of this Council meeting, to changes to the City Council's Constitution to reflect recent changes in the Council's organisational structure and to appoint Proper Officers to carry out the functions formerly undertaken by the Director of Legal and Democratic Services.

On the 27th February 2007, the Council approved a number of changes to its organisational structure (Council Minute 95/06 refers). Amongst these changes were the creation of the new Directorates of Finance and Legal Services and Customer and Workforce Services. Following the City Council's decision, work had been undertaken on establishing these Directorates and making the relevant appointments. As a result of the organisational changes, it was now necessary to reallocate the "Proper Officer" functions previously held by the Director of Legal and Democratic Services. In addition, the opportunity had been taken to review the Scheme of Delegation contained in the City Council's Constitution, together with the Council's Procedure Rules to ensure that they reflect the Council's organisational structure.

Under the legislation governing elections, the City Council had to appoint both an Electoral Registration Officer to be responsible for the electoral rolls and also a Returning Officer who was responsible for the conduct of local elections. The City Council was also being asked to appoint Deputy Electoral Registration Officers, as these had to be appointed by the City Council - unlike Deputy Returning Officers, who may be appointed by the Returning Officer her/himself.

The Council's current Constitution contained a large number of functions which had been delegated by the City Council to employees. These had all been reviewed by the City Council's Legal Services Division and had been amended to reflect the current organisational structure within the City Council.

At the same time, the opportunity had been taken to review the Rules of Procedure, which were also contained in the Constitution. These had again been up-dated to reflect the changed organisational arrangements, which the City Council had adopted.

Under the Local Government and Housing Act 1989, the City Council was also under a duty to appoint one of its staff as its Monitoring Officer and the report recommended that this function should be carried out by the Head of Legal Services.

RESOLVED that the City Council:

- (1) Appoint the Chief Executive as the City Council's Returning Officer for the relevant elections.**
- (2) Appoint the Chief Executive as the City Council's Electoral Registration Officer and to appoint the Head of Democratic Services and the Manager (Electoral Services) as Deputy Electoral Registration Officers.**
- (3) Approve the revised Scheme of Functions Delegated to Employees as set out at Appendix 1 to the report submitted.**
- (4) Approve the revised Rules of Procedure as set out at Appendix 2 to the report submitted.**
- (5) To appoint the Head of Legal Services as the City Council's Monitoring Officer.**

51. The Medium Term Financial Strategy 2007-2011

Further to Minute 74/07 of the Cabinet, the City Council considered a report of the Director of Finance and Legal Services recommending a Medium Term Financial Strategy for 2007-2011 for adoption by the City Council. The Strategy was appended in full to the report submitted, which had already been endorsed by Scrutiny Board 1 at their meeting on the 29th August, 2007.

The report indicated that the Council had operated medium term financial planning for many years and formally approved its current medium term financial strategy in October 2006 (Council Minute 54/06 refers).

It recommended the adoption of the up-dated Strategy to support the medium term policy and financial planning process that was at the heart of setting the Council's revenue and capital budgets.

The Strategy had two main objectives:

- (a) To enable the Council's financial plans to support the delivery of the objectives laid out in the Corporate Plan.**
- (b) To set a sound financial planning framework to underpin the effective financial management of the Council.**

It concentrated on the strategic direction of the Council's financial planning framework, the main points of which were detailed in Section 5 of the report submitted.

The Cabinet had noted that Scrutiny Board 1 had had no comments to make on the report, and after due consideration of the options and proposals, they agreed the

Medium Term Financial Strategy appended to the report submitted and recommended its approval to Council.

RESOLVED that the City Council approve the Strategy appended to the report submitted as the basis of its medium term financial planning process.

52. Local Government Finance Formula Grant Distribution Consultation

Further to 75/07 of the Cabinet, the Council considered a report of the Director of Finance and Legal Services recommending the authority's proposed response to the Government's Local Government Finance Formula Grant Distribution consultation paper. The response was appended to the report submitted, which had already been endorsed by Scrutiny Board 1 at their meeting on the 29th August 2007.

The report indicated that the Government published the Local Government Finance Formula Grant Distribution consultation paper on the 17th July 2007, and invited comments by the 10th October 2007.

The consultation was open to responses from across the local government community. The outcome would dictate a number of the Government's resource allocation decisions within the 2007 Comprehensive Spending Review (CSR2007), due to be published in the autumn. These decisions could affect Coventry's eventual level of Formula Grant by several millions of pounds.

The consultation involved a series of 30 questions, the answers to which would be used by the Government to inform some of its CSR2007 resource allocation decisions. For those questions relevant to the Council, answers had generally been entered that aimed to maximise the financial benefit to the City Council, trying to strike a balance, however, with what was felt to be reasonable. For instance, where questions asked if the most up-to-date data should be used to feed into resource allocation models, the answer was that they should, irrespective of any potential impact on the City Council.

The report itself also highlighted the most significant issues/questions from a financial perspective and the proposed response to them.

In terms of finance, the final outcome of the consultation would ultimately manifest itself within the autumn announcement of the SR2007. The potential financial impact of the issues covered could range between a best-case additional resource position of £4.9m and a worst case reduced resource position of £1.1m. Current indications were that the most likely case was an improvement of around £3m. The likelihood was that, because of damping, in which sudden changes in grant were smoothed out, all these figures represented the total impact at the end of the three- year CSR2007 period.

This information would need to be fed into the wider resource forecasts that the Council made, including indications of the overall increase in Formula Grant being proposed by the Government. The results of this would not be known until the CSR is announced in the autumn.

Any impact on the Council's level of resources could affect its ability to deliver services across the full range of activity. In terms of any specific or immediate impact however, the report submitted was limited to cover specifically financial matters.

The Final Settlement would be announced in January 2008 and would feed into the final budget-setting report that the Council will consider in February 2008.

RESOLVED that the City Council approve the appendix to the report submitted as Coventry's formal response to the consultation.

53. Discrimination Law Review – Proposals for a Single Equality Bill for Great Britain

Further to Minute 76/07 of the Cabinet, the Council considered a report of the Chief Executive recommending a proposed response to the Government's Green Paper *Discrimination Law Review - A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain*, which proposed that discrimination law was harmonised and simplified. The response was appended to the report submitted, and had already been endorsed by the Scrutiny Co-ordination Committee at their meeting on the 5th September 2007.

The report set out the background and covered the contents of the Green Paper.

The Green Paper was an extensive document accompanied by a 113-page Initial Regulatory Impact Assessment and a 49-page Equality Impact Assessment. It had not been possible to take the draft response to full Council within the Government's deadline of the 4th September 2007. The draft response appended to the report had therefore been discussed with the Cabinet Member (Finance, Procurement and Value for Money), and the response sent to the Department for Communities and Local Government, clearly indicating that it was only a draft response and subject to formal approval or amendment by the Council on the 18th September 2007.

The Green Paper covered the need to harmonise, simplify and modernise the law and to make it more effective. It suggested that the complexities and inconsistencies of the current law made it difficult for individuals to know their rights and make it equally difficult for employers and providers of services to understand their legal responsibilities. The Green Paper:

- Set out detailed proposals for a Single Equality Bill that would simplify some provisions
- Sought views as to whether a single equality bill should provide equal protection against discrimination or harassment on grounds of race, gender, disability, sexual orientation, religion or belief, and age - or whether some aspects of different treatment should be maintained or added
- Made proposals for revising the statutory duties that currently required public bodies to promote equality on the grounds of race, disability and gender. The consultation document contained proposals for a new single equality duty and sought views on extending this duty to cover sexual orientation, religion or belief, and age.

The Green Paper mirrored the approach that the Council had taken to the production of its own Equality Strategy for 2007/2010 (Cabinet Minute 61/07 refers), in that local authorities were recommended to identify key Equality Outcomes in order to prioritise actions and make a real difference.

The consultation was organised into three parts - Part 1: Harmonising and Simplifying the Law, Part 2: More Effective Law, and Part 3: Modernising the Law - and the report summarised the key proposals in the Green Paper in respect of each.

The Initial Regulatory Impact Assessment suggested that the proposals would lead to some one-off costs for public authorities, largely consisting of the employee time spent reading and drawing up schemes/action plans in response to the requirements of the new duty. There would also be ongoing implementation costs from requirements to consult and involve employees and service-users and to gather and consider data. Costs may also arise from the need for surveys/research to inform action plans. It was unlikely that these would result in significant extra costs while the production of one **Single** Equality Scheme (rather than three separate schemes as at present) may lead to some small savings.

The Green Paper outlined proposals for a new legal framework for discrimination law. The anticipated single equality bill would have an impact on employment and other law. At this stage, the City Council had been invited along with other public and private sector bodies to participate in the initial consultation process.

The proposal for a single equality duty to be introduced would replace the existing requirement to produce a Race Equality Scheme.

It was anticipated that the Government will introduce a Single Equality Bill in the lifetime of the current Parliament.

RESOLVED that the City Council endorse the appendix to the report submitted as Coventry's formal response to the consultation.

54. Housing Green Paper – "Homes for the Future: More Affordable. More Sustainable" – Consultation Response

Further to Minute 77/07 of the Cabinet, the Council considered a joint report of the Director of City Development and the Director of Community Services recommending a proposed response to those parts of the above consultation document where the Department for Communities and Local Government was requesting a reply. The proposed response was appended to the report submitted.

Scrutiny Board 3 had considered the report at their meeting on the 10th September 2007 and had endorsed the proposed response, noting that areas already experiencing high-density issues should not be over-developed.

The Green Paper set out the Government's approach to delivering housing demand, providing for more affordable, sustainable and well-designed homes. The Government had invited general comments on the proposals put forward in the Paper and also posed some specific questions in the document. The consultation deadline was the 15th October 2007.

The report summarised the proposals and identified the implications for Coventry. It summarised the context and key themes relating to providing more homes to meet growing demand, reducing delays through the planning process, new Housing and Planning Delivery Grant, surplus public sector land, better use of brownfield land, better use of existing buildings, creation of a new homes agency, creating better homes and places, and providing more affordable homes.

In addition to answers to, and comments on, specific questions, the report made general points on the implications for the City to the effect that:

- (a) Work on the Growth Agenda and in the preparation of the Local Development Framework would identify a supply of housing land but current indications were that the identification of a fifteen-year supply was achievable.
- (b) The designation last year of Coventry as a New Growth Point was expected to be a way of increasing the level of infrastructure to support the delivery of housing.
- (c) In its response to the consultation paper on the Proposed Housing and Planning Delivery Grant (September 2006), the City Council expressed its concern about the greater emphasis being placed on housing delivery, compared to other objectives, and that rewards appeared to be focused on numbers rather than quality.

The consultation referred to proposed changes to the future of the Planning Delivery Grant (PDG). From 2008, the PDG will be replaced by a new Housing and Planning Delivery Grant (HPDG) awarded based on "delivery of both new housing on the ground, and the identification of at least 5 years worth of sites ready for development and the further 10 years worth in plans as required by planning policy".

Whilst details of the replacement of PDG were welcomed, this was cause for concern because an authority could make allocations and grant permissions but it cannot require, without changes in legislation, that developers delivered on the ground.

The PDG had historically provided one source of funding for the Council's Planning Department. With the changes proposed by this Green Paper and the various recent Planning White Papers, the financial situation would remain under review as further details were released.

It was also clear that the Government was still pursuing the principles of Planning Gain Supplement (with 2009 being the earliest introduction date) where serious reservations had previously been identified, although it did seem willing to look at alternatives, including retention of Section 106 as a source of funding for infrastructure related to development. It also acknowledged the growth points initiative but uncertainty remained locally as to how infrastructure to meet the growth agenda would be funded and delivered. A number of potential solutions were proposed in the paper with further details to be released later in the year.

The Government's response to consultation would be published by the 29th February 2008.

So far as Question 7 (page 10) of the response was concerned, Councillor Mutton made the point that the Government should pay to local authorities the cost of selling right-to-buy properties at discount, otherwise the construction of new council housing would dry up. It was agreed that this point would be included in the proposed response.

With regard to the final paragraph of Question 5 (also on page 10), Councillor Nellist proposed the following amended which was seconded by Councillor Windsor and carried:

After the word "achievement" add: "Also, Government targets for new housing (i.e. the Regional Spatial Strategy) require large scale building before those targets bit. We suggest an earlier phasing in of those zero carbon targets"

RESOLVED that, subject to the additional comments as detailed above, the City Council endorse the appendix to the report submitted as Coventry's formal response to the consultation.

55. **Simplifying Business Support: A Consultation**

Further to Minute 78/07 of the Cabinet, the City Council considered a report of the Director of City Development recommending a response, by the due date of the 14th September 2007, to consultation proposals published by the Government to simplify business support. The response was appended to the report submitted, and had already been endorsed by Scrutiny Board 3 at their meeting on the 10th September 2007.

The report identified the problem addressed by the proposals, covered the focus of the Council's business support and outlined the proposed role for Business Link.

The headings in the consultation related to proposals for publicly-funded business support, accessing business support, future management of business support, and costs and benefits of simplifying business support.

The first of these had a proposed framework of the following six themes, which were very consistent with current and proposed City Council business support:

- (a) Starting up
- (b) Access to finance
- (c) Management, recruitment, people development
- (d) Operations and efficiency
- (e) Product development
- (f) Sales and marketing development

As regards accessing business support, the consultation proposed the regional Business Link as the primary access channel for business support, if businesses did not know where to go, and that Business Link would be the route for businesses to access the majority of publicly-funded business support. Although the consultation document referred to Business Link outreach and targeting activities reflecting priorities set by local authorities, the picture remained one of centralised control and one at odds with the Sub-National Review of Economic Development and Regeneration.

With regard to the future management of business support, the consultation proposed a single, cross-government oversight of business support, involving a

partnership of all key stakeholders. This partnership would set overarching priorities for publicly-funded business support and assess the impact of public spending.

It was recognised that appropriate day-to-day operational management arrangements would need to be in place at the sub-national level. The aim would be to manage business support in a way that was responsive to regional and local needs, consistent with the business support framework and national priorities.

The consultation document noted that these management arrangements would need to fit with the conclusions of the above-mentioned Sub-National Review of Economic Development and Regeneration but gave no further details at this stage.

It also identified a range of costs and benefits arising from the proposed business simplification programme. These were estimated based on initial cost savings achieved by the Department of Trade and Industry's simplification programme. The majority of these savings were identified "as cashable increased economic impact", with a smaller amount of delivery cost savings.

The Council's response to the consultation emphasised the importance of sub-regional economic development and Local and Multi Area Agreements, issues of direct interest to Local Strategic Partnerships.

Scrutiny Board 3 had endorsed the proposed response and, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet decided:

- (1) To support the key theme in the recommended response, that the vital economic development role of sub-regions needs to be more fully reflected in the proposed balance between regional and sub-regional business support, it being noted that the Government's Sub-National Review of Economic Development and Regeneration (July 2007) recommends an increased emphasis on sub-regional leadership of economic development.
- (2) To approve the response recommended in Appendix 1 to the report submitted on the Government's consultation questions on Simplifying Business Support.
- (3) Authorise employees to submit the response by the deadline of the 14th September 2007.

RESOLVED that the City Council endorse the action taken.

56. **Debate – Health Services in Coventry**

Councillor Mrs Dixon moved the following motion, which was seconded by Councillor Ridley:

*"This Council notes with extreme concern recent developments in relation to Health Services within Coventry caused by government mismanagement of our NHS. In particular the unfair parking charges for the disabled at University Hospital and also reports of 200 jobs being cut.

Council also notes that even under the Governments own criteria Coventry may not be receiving its fair share of the cake in relation to NHS funding and calls on the government to end this discrimination against our city and we would also call upon the government to centrally fund the additional costs arising from the PFI regime."

Councillor Nellist moved the following amendment, which was seconded by Councillor Windsor and lost:

After the words "our NHS" insert "and Coventry City Council deplores the £30 million cuts made in this year's budget by University Hospitals Coventry & Warwickshire NHS Trust, including the plans for up to 375 job cuts and other moves to attack the pay and working conditions of staff, and the recent increases in car parking charges and withdrawal of concessions which act like tax on the sick and their families, and calls for the restoration of those cuts.

This Council recognises that the underlying problem of the health service is the introduction of market methods, of competition and payment by results, and in particular the onerous nature of the Private Finance Initiative contract; we believe that no amount of tinkering with this contract will make the situation better in the long term.

Council therefore calls for the scrapping of the Private Finance Initiative contract at Walsgrave Hospital and the return of the buildings and all services to full ownership and control by the National Health Service which should be fully publicly funded and run in an open, transparent and democratic way."

Councillor Clifford moved the following amendment, which was seconded by Councillor Mrs Lucas and lost:

First paragraph, second line after the word "Coventry" insert "possibly" and then delete the word "Government".

Second paragraph, third line, after the word "to" delete "end this discrimination against our City" and insert "rectify this problem", so that the motion would read:

"This Council notes with extreme concern recent developments in relation to Health Services within Coventry possibly caused by mismanagement of our NHS. In particular the unfair parking charges for the disabled at University Hospital and also reports of 200 jobs being cut.

Council also notes that even under the Governments own criteria Coventry may not be receiving its fair share of the cake in relation to NHS funding and calls on the government to rectify this problem and we would also call upon the government to centrally fund the additional costs arising from the PFI regime."

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

(Note: Having declared a prejudicial interest, Councillors Chater, Harrison, Harvard, Sawdon and Townshend withdrew from the meeting during consideration of this item.)

57. **Debate – WATCH in Hillfields**

Councillor O'Boyle moved the following motion, which was seconded by Councillor Duggins:

"This Council recognises the important contribution WATCH plays in Hillfields and the City generally, and commits itself to the necessary financial and officer assistance to enable WATCH to organise and develop a fresh business plan leading to this community group having a long term and sustainable future."

The following amendment was moved by Councillor Nellist and seconded by Councillor Windsor:

"Line 3, delete all after the word "organise" and insert: "continue by

- (i) Bringing officers from across the necessary departments together to agree an interim action plan within one month.
- (ii) Seeking financial and professional assistance from Government and regional sources to identify opportunities to host, especially, employment and training initiatives.
- (iii) Jointly approaching (that is the City Council and WATCH) bodies such as the City College for possible collaborative work.
- (iv) Seeking additional or alternative premises and outlets in the area for delivery of services;

And on this basis instructs the Cabinet Member to consider interim and ongoing financial support and service commissioning to enable this community group to develop a fresh business plan and have a long term and sustainable future".

The above amendment was carried giving rise to the following substantive motion:

"This Council recognises the important contribution WATCH plays in Hillfields and the City generally, and commits itself to the necessary financial and officer assistance to enable WATCH to organise and continue by

- (i) Bringing officers from across the necessary departments together to agree an interim action plan within one month.
- (ii) Seeking financial and professional assistance from Government and regional sources to identify opportunities to host, especially, employment and training initiatives.
- (iii) Jointly approaching (that is the City Council and WATCH) bodies such as the City College for possible collaborative work.
- (iv) Seeking additional or alternative premises and outlets in the area for delivery of services;

And on this basis instructs the Cabinet Member to consider interim and ongoing financial support and service commissioning to enable this community group to

develop a fresh business plan and have a long term and sustainable future".

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

(Note: Having declared a prejudicial interest, Councillor Harvard withdrew from the meeting during consideration of this item.)

(NOTE: The meeting closed at 9.20 p.m.)