

COUNCIL OF THE CITY OF COVENTRY

18th March 2008

PRESENT

Lord Mayor (Councillor Batten)

Deputy Lord Mayor (Councillor Matchet)

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

116. **Apology**

An apology for absence was received from Councillor Ms Hunter.

117. **Minutes**

The minutes of the meeting held on 19th February 2008, were signed as a true record.

118. **Coventry Good Citizen Award**

The Lord Mayor and Judge Hodson, Honorary Recorder, presented Mrs Pam Barnes with the Coventry Good Citizen Award in recognition of her work for the Coundon Care Centre Charity over the last 20 years. During this time Mrs Barnes had been totally dedicated to caring for older people with disabilities, raising funds to keep the centre running and was responsible for the purchase of an adapted minibus to transport the members to their day care. Mrs Barnes addressed the Council in response.

119. **Retirement of Councillors**

The Lord Mayor referred to the following Councillors who were not standing for re-election to the Council at this year's Municipal Election:

Councillor Mrs Harper had represented Earlsdon Ward since 2000. She had been Chair of Scrutiny Board (3), Deputy Chair of Scrutiny Board (1) and a Member of the Planning Committee, as well as being a member of many other bodies.

Councillor Mrs Lancaster had represented Holbrook Ward since 1993. She had been Chair of the Licensing and Regulatory Committee, Deputy Co-ordinator of the Social Care and Health Policy Co-ordinating Committee, Chair of the Care Policy Team and Deputy Chair of Scrutiny Board (3), as well as being a member of many other bodies.

In addition, Councillor O'Neill referred to **Councillor Benefield**, who was also not standing for re-election. Councillor Benefield had represented the Upper Stoke Ward since 2000 and had served on a number of Committees during this time, including Planning Committee, Licensing and Regulatory Committee and several Best Value Review Groups.

Members expressed their thanks to the Councillors for their contribution to the work of the City Council and wished them well for the future.

120. **Evacuation of the City Centre**

The Lord Mayor referred to all the employees and representatives from other organisations who were involved in the successful evacuation of the City Centre on the afternoon of Wednesday, 12th March, 2008, when an unexploded wartime bomb was discovered by builders constructing the Belgrade Plaza hotel and apartments complex next to the Belgrade Theatre. Hundreds of workers and shoppers were evacuated and the arrangements also involved the setting up of several rest centres for residents evacuated from their homes.

Members expressed their thanks and appreciation to all who assisted with the evacuation arrangements.

121. **Blue Coat School Choir**

The Lord Mayor expressed his congratulations to Blue Coat Church of England Secondary School who recently won the BBC's Songs of Praise Senior School Choir of the Year Competition. A letter of congratulations was to be sent on behalf of the City Council.

122. **Sports Relief**

The Lord Mayor expressed his thanks to all the Coventry citizens who participated or helped to organise the recent events for Sports Relief, which included more than 1,200 runners taking part in the city's first Sports Relief mile, raising funds to help vulnerable people in the UK and across the world.

123. **Petitions**

RESOLVED that the following petitions be referred to the appropriate City Council body:

- (a) **Objection to the Redevelopment of the Stockroom Building on Willenhall Lane to a Fast Food Chain with Drive Through Facility** – 176 signatures, presented by Councillor Chater
- (b) **Safety Crossing Areas on Jackers Road/Anderton Road to Assist Children Walking to Grangehurst Primary School** - 43 signatures, presented by Councillor Duggins
- (c) **Parking Issues at Henley Mill Lane** – 27 signatures, presented by Councillor Patton
- (d) **Speed Limit on Hawkes Mill Lane** – 63 signatures, presented by Councillor Gazey
- (e) **Resurfacing of Harnall Lane East** - 367 signatures, presented by Councillor O'Boyle
- (f) **Ball Hill Renovations, Pavement at 241-313 Walsgrave Road** – 35 signatures, presented by Councillor Asif
- (g) **Walking All Weather Path Around Morris Common** – 61 signatures, presented by Councillor Asif
- (h) **Objection to Planning Applications 32843/E AND L/32843/E, The Stone House, Allesley Village** – 17 signatures, presented by Councillor Gazey
- (i) **Closure of Public Footpath Adjoining Appledore Drive and Lower Eastern Green Lane** – 21 signatures, presented by Councillor Mrs Johnson

- (j) **Pelican Crossings at Hearsall Common** – 133 signatures, presented by Councillor Kelly
- (k) **Save the Advice Service at Holbrooks Community Care Association** – 66 signatures, presented by Councillor Clifford
- (l) **Disabled Access at the Multi Faith Centre, Priory Gardens** – 34 signatures, presented by Councillor Windsor

124. **Declarations of Interest**

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

(a) Interests in Recommendations

Personal

Member	Minute Number
Councillor Noonan	131
Councillor Smith	137 & 138

(b) Interests in Debates

Personal

Member	Minute Number
Councillor Harrison	136
Councillor Sawdon	136

Prejudicial

Member	Minute Number
Councillor Chater	136
Councillor Townshend	136

(c) Interests in Questions

Personal

Member	Minute Number
Councillor Ahmed	132
Councillor Harvard	132
Councillor Maton	132

125. Exclusion of Press and Public

Councillor O'Neill moved the following Motion under Section 4.1.35.3 of the Constitution which was duly seconded and carried:

"That the Council Agenda be re-ordered so the recommendations from the Cabinet of 11th March, 2008 concerning "Equal Pay Claims – Employment Tribunal Judgement" be dealt with as the last item of business".

RESOLVED that:

(1) The motion be adopted.

(2) 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 138 below relating to "Equal Pay Claims – Employment Tribunal Judgement" on the grounds that this item involves the likely disclosure of exempt information as defined in Paragraph 5 of Part I of Schedule 12A of that Act.

126. Public Rights of Way Improvement Plan

Further to Minute 201/07 of the Cabinet, the City Council considered a report of the Director of City Development, which sought approval of the first Rights of Way Improvement Plan (RoWIP) for Coventry, a copy of which was appended to the report submitted. The report had also been considered by Scrutiny Board 3 at their meeting held on 5th December 2007 (their Minute 65/07 refers), and that the report submitted had incorporated the comments received from that Board.

The Countryside and Rights of Way Act 2000 (the CROW Act) required all highway authorities to produce a Rights of Way Improvement Plan (RoWIP) by November 2007.

Although the approval for Coventry's RoWIP was being sought after the date required in the Act, many local authorities had yet to produce their plans. The Department for Environment, Food and Rural Affairs (Defra) was keen to see that progress had been made towards producing a plan, if a plan had yet to be finalised. Failure to publish a plan could give rise to adverse implications for Local Transport Plan (LTP) funding and Comprehensive Performance Assessments.

The Council had a duty to assert and protect the rights of the public to the use and enjoyment of any highway, which included rights of way. In addition, the Council had maintenance responsibility for adopted rights of way.

The Council was required to produce a definitive map and statement showing the rights of way that exist in their area. They had a duty to keep these maps up to date and to investigate any evidence that suggested a way had been left off the map in error, had been recorded incorrectly, or was included on the map in error.

The Council had only produced a partially complete Definitive Map and the RoWIP outlined actions to support the Council in progressing the project.

The RoWIP also developed a strategic view of the rights of way network, which reflected modern patterns of demand and land use and provided better provision for all current and future users. It looked at the extent to which local rights of way met the present and likely future needs of the public, the opportunities provided by the network for exercise and other forms of open air recreation and the enjoyment of the area, and the accessibility of the network to blind and partially sighted persons and those with mobility problems.

A Rights of Way Officer was appointed in 2007 and many of the actions of the RoWIP would be progressed by this member of staff. The Government was expecting that RoWIPs would be progressively incorporated into the LTP and reporting on delivery would be included within LTP Annual Progress Reports. Natural England had outlined a number of funding sources and the RoWIP would be used in bids for funding.

The built-up central area of Coventry was crossed by numerous routes, which people used on foot or bicycle as traffic-free routes and short cuts to reach facilities and services. These routes also, in some cases, provided convenient links to the canal, parks, open spaces and the countryside around the urban area, both within Coventry and to the surrounding areas of Warwickshire and Solihull. There were also many public paths within the green areas of the City, used for recreation. All the routes within the City make up the local network.

The RoWIP looked at these routes to see if they met the needs of Coventry residents and visitors to the City, and how they could be improved.

The process of developing the draft RoWIP had been influenced by a number of factors, including the statutory RoWIP guidance and the guidance from the Countryside Agency (now Natural England), the authority's statutory duties and powers, national, regional and local planning, transport and other policies, and a wide-ranging consultation with interested parties including the joint Warwickshire, Solihull and Coventry Local Access Forum, adjoining authorities and user groups, as well as individuals through a widely-distributed Public Paths User Survey.

From the background research and consultation, it was found that there were five key issues with respect to the use of the local rights of way network, and so these had been adopted as the themes for the proposed RoWIP. Each of these themes was dealt with in turn in the proposed RoWIP and described the national, regional and local policies, objectives and priorities, which would drive their achievement. The proposals contained in the RoWIP would contribute towards the Transport Shared Priority objectives and wider Quality of Life objectives in the Local Transport Plan.

The report submitted outlined the various consultations that had taken place both within the Council and during the 12-week public consultation; summarised the responses received; and how those responses were addressed.

RESOLVED that the City Council adopt the Rights of Way Improvement Plan as part of the West Midlands Local Transport Plan.

127. **Coventry Sustainable Community Strategy and Local Area Agreement**

Further to Minute 215/07 of the Cabinet, the City Council considered a report of the Chief Executive, which sought approval of the Coventry Sustainable Community Strategy for adoption by the Council, and the agreement of a set of indicators for the new Local Area Agreement as a basis for further negotiation with the Government. The report had also been considered by Scrutiny Co-ordination Committee at their meeting on 5th March 2008 (their Minute 155/07 refers), and a briefing note detailing their comments had been tabled at the Cabinet meeting.

The development of a local Sustainable Community Strategy for Coventry was a Government requirement and was the subject of national Government guidance and inspection. It was the responsibility of the Council, as the local authority, to ensure that the strategy was developed and adopted.

The Strategy was developed from the second Coventry Community Plan that was adopted in July 2004 and had been developed in partnership through the Coventry Partnership, the City's Local Strategic Partnership that consists of public, private, voluntary and community organisations, including the Council, using evidence from a strategic assessment of the needs of the City that was undertaken in summer 2007.

The report indicated that it was important that both the Sustainable Community Strategy and the Local Area Agreement were evidence-based and built upon the analysis of the current position in Coventry, expected future trends and the existing priorities and strategies that had been agreed with the Government, local partner organisations and local people and communities.

The Cabinet had agreed the consultation process on the draft Sustainable Community Strategy at its meeting on 14th November 2007. Extensive consultation took place from 3rd December 2007 to 25th January 2008 and the Strategy had been revised to take account of the comments received. An analysis of the comments received and the amendments made was available as a separate document. It was noted that the Coventry Partnership Board had considered the final Strategy, which was appended to the report submitted, at its meeting on 21st February 2008.

It was noted that the Cabinet had been advised that once the Strategy was adopted, action plans and a performance management framework would be developed to ensure that the outcome and priorities in it were achieved, including the delivery of the new Local Area Agreement.

The new Local Area Agreement would be signed between the Coventry Partnership, the City Council and the Government and would set out, after negotiation up to 35 agreed priorities with improvement targets across a range of areas such as employment and skills, housing, environment, community safety and health. There would also be an additional 16 statutory targets for early years and educational attainment in schools.

The Agreement would have a three-year time scale and include short-term priorities that would help to achieve the long-term objectives and outcomes of the Sustainable Community Strategy. The priorities and targets were based on the National

Indicator Set of 198 indicators and the Agreement would be key to Government's assessment of the Council's performance in the future and would be used to assess the performance of the Coventry Partnership and other partners.

Although formal approval of the Local Area Agreement would take place in June 2008, the Council and Coventry Partnership had been asked to provide a proposed set of indicators for the Government to consider in March 2008, although it was acknowledged that at this stage these could still be changed.

Extensive discussions had taken place with partner organisations to identify indicators for the Agreement and initial negotiations had taken place with the Government Office for the West Midlands about the indicators the Government considered should be included within the Agreement.

The report indicated that care had been taken to ensure that the indicators selected were robust and measurable and made sense together as a set. Equality and Cohesion issues would be addressed through all of the indicators, where it was appropriate, and priorities requiring partnership working had received particular attention. As with the existing Local Area Agreement, with the exception of anti-social behaviour, perception measures were avoided, as they did not lend themselves to robust performance management of target-setting over the three years.

The proposed indicators were set out in Appendix B to the report, although it was noted that they had not been finalised or formally agreed and could be changed before the final Agreement would be approved in June 2008. However, they would provide the basis for further negotiations and target-setting with the Government.

It was noted that Cabinet had approved the proposed indicator set for the Local Area Agreement as the basis for further negotiation with the Government.

RESOLVED that the City Council adopt the Coventry Sustainable Community Strategy, set out in Appendix A to the report submitted.

128. Climate Change – A Strategy for Coventry

Further to Minute 216/07 of the Cabinet, the City Council considered a report of the Director of City Services, which outlined Coventry's approach to climate change and presented the post-consultation Climate Change Strategy for consideration. The report had also been considered by Scrutiny Board 3 at their meeting held on 5th March 2008 (their Minute 106/07 refers), and a briefing note detailing their comments had been tabled at the Cabinet meeting.

Coventry had signalled its intent to prioritise the issue of climate change by signing the Nottingham Declaration on Climate Change in October 2006. This declaration committed the Council to work to deliver the UK Climate Change Programme, within two years to deliver a plan to tackle the courses of climate change within its community and to reduce the Council's greenhouse gas emissions.

In June 2007, the Council created a dedicated Cabinet Member portfolio for Climate Change, Housing and Sustainability, which provided enhanced leadership, raised

the profile and recognised the increasing local, national and global need for concerted action on climate change. There was a ready acceptance throughout the Council of the role it must play as a community leader, major employer, property manager and service provider.

There was equal recognition that tackling climate change would be a long-term, multi-agency, community-centred challenge and was the reason why the Coventry Partnership, supported by the Council, had drafted the City's Climate Change Strategy, covering the period 2008 to 2050. The Strategy had been the subject of extensive consultation and the proposed final version was appended to the report submitted.

The need to tackle climate change proactively was also being recognised by others, including the Government, the UN's Intergovernmental Panel on Climate Change and the Local Government Association. A Climate Change Bill was published in March 2007 and was likely to be enacted in the summer. The report submitted outlined the main components of the Bill. The Bill also reaffirmed the leadership role that Councils would play on climate change.

In addition, the Local Government Association's Climate Change Commission produced a report in November 2007 entitled "A Climate of Change".

At a local level, the Council had included "making the City clean, green and work to tackle climate change" as one of its corporate objectives since June 2007. More recently, the Sustainable Community Strategy, which charted the future direction for the City for the next 20 years, prioritised climate change as one of only two underpinning priorities themes, recognising the centrality of tackling climate change to Coventry's future prosperity.

The proposed Climate Change Strategy set out a target for reducing carbon dioxide emissions by 70 per cent by the year 2050, using 2003 as a baseline year, with an interim target of 40 per cent by the year 2025. It was noted that progress against the longer-term targets would not be linear given the varying impact of new technologies, market forces surrounding increasingly scarce natural resources and the impact of additional infrastructure investment. However, as a rule of thumb, a year-on-year reduction of 3 per cent would deliver the long-term reductions in carbon dioxide emissions.

It was noted that the Strategy reflected the short-term and long-term approach, with a number of short-term actions established for 2008/09 sitting alongside longer-term research, evaluation and policy-led actions to inform medium-term plans.

The Strategy set out six key themes of Putting People First; Where We Live; Making A Difference; Fit For The Future; Gearing Up; and Towards A Sustainable City. The report submitted detailed the aims of each theme.

Appendix B of the report submitted detailed the consultation process on the draft Strategy, demonstrated overwhelming support for the Strategy, and provided an analysis of the feedback from the consultation.

The Strategy set out a framework to respond to the unique challenge and the actions detailed represented a framework by which Coventry could respond. Whilst 61

actions were set out in the Strategy, they could be broadly differentiated into those actions that were shorter-term, more immediate and deliverable and those that explore long-term issues and prepare the City for its challenge of tackling climate change. Inevitably, the longer-term challenges were more policy and research based, whilst the shorter-term challenges were more action based. A summary of the key deliverables for 2008/09 was set out in the report submitted and it was noted that these activities were to be funded from existing budget provisions.

The delivery of the Strategy required a multi-track and integrated approach to be taken. Careful consideration was given to the potential delivery obstacles and the report submitted outlined the key building blocks being assembled to ensure delivery of the strategy, particularly in relation to leadership and governance and organisational capacity.

RESOLVED that the City Council:-

- (1) Approve Coventry's Climate Change Strategy, attached as Appendix A to the report submitted.**
- (2) Approve the specific short-term actions for 2008/09**
- (3) Request the Director of City Services to bring forward a further report, which sets out the detail of the Climate Change Act, once enacted, and its implications for both Coventry and the City's proposed Climate Change Strategy.**
- (4) Note that the Cabinet Member (Climate Change, Housing and Sustainability) is to receive regular performance updates on the progress being made against the action plan.**
- (5) Note the responses from the consultation exercise attached as Appendix B to the report submitted.**

129. Innovative Coventry: A Strategy for Growth and Transformation: Draft Economic Development Strategy

Further to Minute 217/07 of the Cabinet, the City Council considered a report of the Director of City Development, which sought agreement to changes, resulting from consultation responses, and the adoption of "Innovative Coventry: A Strategy for Growth and Transformation" as the Council's Economic Development Strategy (EDS).

The Cabinet at their meeting on 4th December 2007 had agreed the Draft EDS. A period of consultation ran from 5th December 2007 to 25th January 2008. As part of the consultation process, the Draft EDS was considered by the Coventry Partnership Operations Group on the 9th January 2008; the Coventry Partnership Board on 16th January 2008, and by Scrutiny Board 3 on 16th January 2008 (their Minute 74/07 refers). The feedback received was very positive and had enabled a variety of changes to be made to the document.

A number of revisions were to be made to the text and a full list of the changes and suggestions was included in Appendix 1 of the report submitted. At their meeting, the

Cabinet had noted that the most significant changes had been made in relation to the goals of the EDS; the role and contribution of the Universities; developing a Graduate Retention Strategy; and the indicators used to measure the impact of the Strategy.

The information gathered during the consultation had been used to inform the development of the final Economic Development Strategy and a further briefing on the progress of the consultation was circulated to the Coventry Partnership Board at their meeting on 21st February 2008.

It was noted that the Cabinet had agreed the changes to two of the key goals of the strategy, as set out in paragraph 3.4 of the report submitted; and the changes made to the overall Strategy, including those significant changes set out in paragraphs 3.5 to 3.7.

RESOLVED that the City Council adopt the amended strategy as the City Council's Economic Development Strategy for the City.

130. Consultation Paper on a New Planning Policy Statement 4: Planning for Sustainable Economic Development

Further to Minute 218/07 of the Cabinet, the City Council considered a report of the Director of City Development, which sought approval of a proposed response to the "Consultation Paper on a new Planning Policy Statement 4: Planning for Sustainable Economic Development". The paper was published by the Department for Communities and Local Government (DCLG) on 17th December 2007 and required responses by 17th March 2008. The report had also been considered by Scrutiny Board 3 at their meeting held on 5th March 2008 (their Minute 102/07 refers) and a briefing note detailing their comments had been tabled at the Cabinet meeting.

The aim of the Planning Policy Statement 4 (PPS4) was to encourage local authorities to plan effectively and pro-actively for economic growth and to achieve a proper balance between economic opportunities and environmental and social considerations. PPS4 was, in part, a response to the Barker Review of Land Use Planning and the Planning White Paper.

The main purpose of the PPS4 was set out in the preamble to the consultation questions as "ensuring that sustainable economic development, as a key component in sustainable development more generally is fully considered and planned for". It also indicated that there was a need to rationalise and make more consistent the data and indicators used in drawing up plans so that national, regional and sub-regional and local plans could be better integrated. Finally, it was suggested that planning authorities needed to have a better understanding of the changing needs of business and of industrial change and of their locational implications. It stated that the planning system must deliver economic development in a way that was sensitive to climate change. Therefore, the Cabinet were advised that PPS4 should be read in conjunction with PPS1.

Once adopted, PPS4 would put in place a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas. It would replace the existing Planning Policy Guidance Note 4, paragraphs 53, 54 and Annex D of Planning Policy Guidance Note 13 (Transport) and all of Planning Policy Guidance Note 8 (Telecommunications), with the exception of the annexes: expansion of

Permitted Development Rights and prior approval for telecommunications development.

The report submitted outlined the Government's key policy outcomes in relation to planning outcomes; definition of economic development; positive planning for economic development; recognising business needs; and effective use of land.

The consultation included a number of questions and draft responses to those questions were detailed in Appendix 1 of the report submitted. The report also summarised the implications of the draft PPS4.

RESOLVED that the City Council approve the Council's response to the consultation, as appended to the report submitted.

131. Approval for the Extension of the Coventry and Solihull Joint Waste Disposal Contract

Further to Minute 221/07 of the Cabinet, the City Council considered a joint report of the Directors of City Services and Finance and Legal Services, which sought approval to extend the Joint Waste Disposal Contract held with Coventry and Solihull Waste Disposal Company Limited (CSWDC). The report had also been considered by Scrutiny Board 3 at their meeting held on 5th March 2008 (their Minute 105/07 refers) and a briefing note detailing their comments had been tabled at the Cabinet meeting.

The Council had responsibilities as both a waste collection and waste disposal authority. To assist in delivering its waste disposal responsibilities, the Council part owned the Local Authority Waste Disposal Company (LAWDC). CSWDC managed the Energy from Waste facility located at London Road.

It was noted that the current contract between Coventry, Solihull and CSWDC had been in place since the 1st April 1993 and was for a period of 15 years. The contract was administered on Coventry's behalf by Solihull and legal advice obtained by Solihull indicated that this contract must, at some point, be tendered in accordance with European Union (EU) Procurement Rules. The procedures prescribed within the EU Procurement Rules take time, and therefore it was necessary to extend the existing contract for a period of up to three years in the interim.

In addition, advice obtained from the City Council's own Finance and Legal Services had suggested that other procurement options were available and both authorities would consider these options during the extension period.

Given that this was a joint contract, approval to extend the contract was required from both Coventry and Solihull Councils. Solihull Council agreed to this extension at its meeting on 4th December 2007.

RESOLVED that the City Council extend the Joint Waste Disposal Contract with CSWDC for a period of three years, commencing 1st April 2008.

132. Question Time

The appropriate Members provided written responses to all the questions set out in

the Questions Booklet, together with oral responses to supplementary questions put to them at the meeting. In respect of question 9 in the Booklet, Councillor Ridley agreed to supply all members with a briefing note detailing the costs of providing bed and breakfast accommodation for homeless families on the Coventry Homefinder list and the prospect of providing a bed-space provision facility in the city in the future.

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 Townshend	Councillor O'Neill	Increase in Lease Payments by Allesley Park Community Association in respect of the Winsford Avenue Site
2	Councillors O'Boyle and Nellist	Councillor Taylor	Impending Closure of the City Farm in Hillfields and Potential Council Support
3	Councillor Mrs Lucas	Councillor Noonan	Traffic Calming Scheme for a Pedestrian Crossing on Keresley Road in the Vicinity of the Shepherd and Shepherdess Public House
4	Councillor Arrowsmith	Councillor O'Neill	Meeting Requests to Fund Additional Schemes from the Council's Financial Resources
5	Councillor Mrs Lancaster	Councillor Mrs Johnson	Decision to Stop the Security Scanning of Inward Mail by Post and Fastprint Services
6	Councillor Windsor	Councillor Noonan	Proposed Road Safety Scheme for Harnall Lane East
7	Councillor Townshend	Councillor Noonan	Poor State of the Road at Glendower Avenue, Whoberley and the Highway Maintenance Programme
8	Councillor Skinner	Councillor Noonan	Alleged Misuse of the Blue Badge Disabled Parking Scheme

RESOLVED that, in relation to written question 9 and questions 3 and 5 above, written responses be submitted to all members of the Council in accordance with paragraph 4.1.25 of the Constitution.

133. **Statement by the Leader of the Council**

There was no statement.

134. **Debate – Election Outcomes and the Democratic Process**

Councillor Mutton moved the following motion, which was seconded by Councillor Townshend:-

"That this Council believes that the outcomes of any election whether European, National or Local overseen by the City Council, must not call the democratic process into question.

Following the comments in the recent court case in Birmingham when the judge told Councillor Adalat's cousin that he was just a foot soldier and implied that someone else organised the rigging of the election, this Council believes that Councillor Adalat (Foleshill Ward) should now resign the seat and that the vacant seat be contested on 1st May 2008.

This being the only way to remove any doubts that might continue to exist about the outcome of the local Council Election result in Foleshill in May 2006."

Councillor Taylor moved the following amendment, which was seconded by Councillor Sawdon and carried:-

'Delete paragraphs 2 and 3 of the Motion.'

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

"That this Council believes that the outcomes of any election whether European, National or Local overseen by the City Council, must not call the democratic process into question."

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

135. **Debate – Early Release of Prisoners Scheme**

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

"This Council calls on Government to scrap the disastrous early release of prisoners scheme which has seen more than eighteen and a half thousand prisoners released onto the streets since June 2007"

RESOLVED that the motion set out above be adopted.

136. **Debate – 'Polyclinics' and GP Practices**

Councillor Nellist moved the following motion, which was seconded by Councillor Windsor:

"This Council supports Coventry doctors in their opposition to the development of privately run "Polyclinics" which we believe would make services more impersonal

than current General Practice; risks clinics being run by businesses whose first loyalty is to shareholders not patients; and is part of the Government's strategy to privatise the NHS by stealth.

Council calls on the Government to fully fund existing and developing GP practices from the public purse, to develop locally serviced out of hours home visiting services, and to provide the promised extended health facilities on the Coventry and Warwickshire Hospital site"

Councillor Sawdon moved the following amendment, which was seconded by Councillor Taylor and carried:

'Delete the words "supports" in the first line of the first paragraph and insert the word "notes"; delete the words "in their" in the first line of the first paragraph; delete the word "we" in the second line of the first paragraph and insert the word "they"; and insert a full stop after the third line of the first paragraph and delete the remainder of that paragraph.

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

"This Council notes Coventry doctors' opposition to the development of privately run 'Polyclinics', which they believe would make services more impersonal than current General Practice.

Council calls on the Government to fully fund existing and developing GP practices from the public purse, to develop locally serviced out of hours home visiting services, and to provide the promised extended health facilities on the Coventry and Warwickshire Hospital site."

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

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

137. **Equal Pay Claims – Employment Tribunal Judgement**

Further to Minute 225/07 of the Cabinet, the City Council considered a joint report of the Chief Executive and the Director of Customer and Workforce Services, which detailed the outcome of the equal pay claims case Ms Nicholls and others vs. Coventry City Council heard by the Birmingham Employment Tribunal between September and December 2007. The report also sought agreement to take forward an appeal against parts of the Tribunal judgement.

The Council noted that a corresponding private report, detailing confidential aspects, had also been submitted to this meeting (Minute 138 below refers).

Following the job evaluation exercise and subsequent introduction of Single Status in June 2005, in December 2005 the Birmingham Employment Tribunal started to receive claims for equal pay against the Council. These claimed that the Council had breached an

equality clause in the Equal Pay Act 1970. The claimants were members of Unison and Unite (Amicus and the T&G).

Claims continued into 2006 and the report indicated that a small number of claims were still being regularly received. The Council currently had 652 equal pay claims. In addition to the volume of the claims, rather than quoting one comparator against whom the claimant was comparing their difference in pay, a large number of the claimants quoted multiple comparators, which made the claims more complex. Of the claims, 489 quoted refuse workers as a comparator, and of that number, approximately 250 compared themselves only to refuse workers.

In consultation with both parties, the Tribunal decided to bundle claims together on the basis of the comparators; and to hear the claims where claimants were citing refuse workers as a comparator either in isolation or part of a group first.

The basis of the Tribunal approach was that the unions were challenging the Council on whether it was sex discrimination to have a bonus scheme in the refuse service (before Single Status) which did not apply to some other services employing more women; and whether the Council's pay protection scheme, implemented as part of Single Status, should apply to the 'gainers' as well as the 'losers'.

In addition to hearing the Council's defence on these two points, the Tribunal also agreed to hear an overarching argument put forward by the Council, which would have created a new potential defence, as to whether the Council had a defence against equal pay claims, in connection with pay arrangements before Single Status, because of the efforts it had made over so many years to implement Single Status.

Using the comparator of the refuse scheme determined the largest number of claims in one go. The Tribunal also determined that it would hear the case in relation to the Council's 'genuine material factor' defence in respect of all of these claims before hearing any of the individual pay claims.

The Tribunal sat for 24 days between September and December 2007, heard evidence from six witnesses for the Council and two union witnesses. The Council received the judgement of the Tribunal on 15th February 2008 and all elected members and members of staff were provided with a summary of the judgement and the full judgement, which was appended to the report submitted, was also posted onto the Council's website. The Council subsequently received legal advice on the outcome of the judgement on 29th February 2008.

The judgement found in part for the claimants and in part for the Council. In relation to the refuse bonus scheme, the Tribunal agreed that the Council's refuse bonus scheme, put in place in 1999, was a genuine, transparent and well-monitored scheme that was about delivering a better service through increased productivity. The scheme, along with all others, was abolished on the introduction of Single Status in 2005, which implemented pay equality. However, the Tribunal determined that the Council should have at least considered alternative methods of achieving its management objectives other than by payment of a bonus and also considered whether it could apply similar schemes to groups of employees with a bigger female workforce and therefore found against the Council in this matter.

With regard to pay protection, the Tribunal upheld the application of the Council's pay protection scheme, which was introduced as part of the Single Status arrangements to protect the pay of those employees who had been re-graded at a lower level.

In respect of the overarching defence, although the Council had a significant weight of evidence on this issue, the Tribunal were not persuaded on the argument and considered that the reasonable efforts made over the years by the Council were not a relevant consideration under the Equal Pay Act.

The report indicated that the Council did not yet face any financial liability as no successful equal pay claims had yet been made. The Tribunal had only heard the general defence against these claims as opposed to the individual defence on each claim. Each claimant had yet to demonstrate on an individual basis that they were entitled to equal pay. However, the judgement did potentially mean that at least some of the claimants may be able to succeed with their claims, if they could prove to the Tribunal that they have an equal value claim for back pay against the Council or that their jobs were rated equivalent to refuse posts previously under a valid job evaluation scheme. The Tribunal would then make a decision on each claim, which would require a separate hearing or hearings.

It was noted that the Cabinet had been advised that, should the Council wish to appeal against any part of the judgement, this would need to be submitted by 27th March 2008. The Council's external legal advisors, including the QC who represented the Council at Tribunal, had provided an assessment of the merits of appealing the aspects of the judgement that the Tribunal found against the Council. Counsel's advice was that there were issues of law that remained contestable. The overall conclusion of the advice was that the Council should consider an appeal as worthwhile, given the limited costs of an appeal and balancing the risk of cross appeal from the Trade Unions.

The report submitted outlined alternative options to appealing the judgement. However, having considered the barrister's advice in full, the recommendation was that the Council should appeal.

RESOLVED that the City Council agree in principle, subject to consideration of the additional information in the associated private report (Minute 138 below refers):-

- (1) To note the outcome of the Employment Tribunal and its implications for the Council.**
- (2) To agree to take forward an Appeal against parts of the Tribunal judgement.**

Private Business

138. Equal Pay Claims – Employment Tribunal Judgement

Further to Minute 137 above relating to the public aspects of this matter and to Minute 227/07 of the Cabinet, the City Council considered a joint report of the Chief Executive and the Director of Customer and Workforce Services, which detailed the

outcome of the equal pay claims case Ms Nicholls and others vs. Coventry City Council heard by the Birmingham Employment Tribunal between September and December 2007. The report also sought agreement to take forward an appeal against parts of the Tribunal judgement.

A copy of the legal advice provided on the merits of appealing against the recent Employment Tribunal judgement was appended to the report submitted.

RESOLVED that the City Council:

- (1) Note the outcome of the Employment Tribunal and its implications for the Council.**
- (2) Agree to take forward an Appeal against parts of the Tribunal judgement.**

(NOTE: The meeting closed at 11.15 pm)