

# Council Meeting

24 June 2010

**Booklet 1**

Recommendations

# **INDEX TO MINUTES**

Standards Committee, 10 June 2010

Cabinet, 15 June 2010

## STANDARDS COMMITTEE

10<sup>th</sup> June, 2010

Members Present:- City Council Members

Councillor R. Lakha  
Councillor A. Williams

Independent Members

G. Allen  
D. Delieu  
C. Edden  
A. Patel  
J. Willetts

Parish Councillors

D. Lilly

Employees Present:-  
H. Abraham (Assistant Director (Democratic Services))  
C. Forde (Council Solicitor/Assistant Director (Legal Services))  
J. McLellan (Customer and Workforce Services Directorate)  
G. Paddan (Customer and Workforce Services Directorate)

Apologies:-  
D. Jackson  
Councillor K. Mulhall  
Professor B. Ray  
B. Shakespeare

### 1. **Declaration of Interest**

Christine Forde declared a personal interest in the matter the subject of Minute 2/10 below, headed "New Duty to Respond to Petitions" in so far as it relates to her role as Monitoring Officer, she remained in the meeting during the consideration of this issue.

## **RECOMMENDATIONS**

### 2. **New Duty to Respond to Petitions**

The Committee considered a joint report which detailed how the Council's processes for dealing with petitions would need to be revised as a result of a new statutory duty to respond to petitions which Councils were required to implement.

The Constitution Working Group had considered reports on the issue at their meetings on the 28<sup>th</sup> May and 8<sup>th</sup> June and had set thresholds for the number of signatures that would trigger the new petition arrangements. These figures were detailed in the recommendations contained in the report.

The Local Democracy, Economic Development and Construction Act (2009) included a new duty on Councils to respond to all petitions submitted. The aim of this new duty was to strengthen local accountability in public services and places local authorities on the front line of ensuring that local people connect with their decision makers. The Local Authorities (Petitions) (England) Order 2010 was made on 22<sup>nd</sup> March 2010 and statutory guidance was issued on 30 March 2010. The duty required Councils to establish a petition scheme to handle paper based petitions from 15<sup>th</sup> June 2010. The Scheme must be approved by a meeting of the Council prior to it coming into force. Planning and licensing/ regulatory matters and matters relating to an individual or entity where there was a right to hold a review or a right of appeal under any other legal requirement were exempt under the new requirements of the legislation, but were still provided for in the Council's Scheme, as provision already existed in the Council's rules under the existing scheme. From 15<sup>th</sup> December 2010, the Council must also have an e-petitions facility in place, and the new Scheme provides for this.

The new duty requires the current process for dealing with petitions at Coventry City Council to be changed. The new petition scheme would replace the current petitions procedure rules in the Council's Constitution (section 4.9), but still contains provisions which were in place, where they do not contradict the new requirements. A key principle of the new duty was that any person living, working or studying within its area can raise or sign a petition and require it to be dealt with in accordance with Council's petition scheme, and that petitions no longer need to be submitted by a Councillor.

The Council was required under the Statutory Guidance to establish a petition scheme for dealing with all the petitions it receives. There was specific guidance on what this must contain. The petition scheme should include the following information:

- a) how we deal with petitions and decide if they are valid
- b) a list of steps to be taken in relation to responding to a petition
- c) provide for notification of steps taken to be given to the petition organiser
- d) provide for a review of the action taken by the Council and
- e) provide a facility for e-petitions (by 15<sup>th</sup> December, 2010 at the latest)

The Council's current petition scheme allows a petition to be brought by a Councillor if at least 5 signatories appear on it. Within the new scheme a petition can be submitted by a Councillor or a member of the public and still requires at least 5 signatories. Under the new scheme, a petition can be dealt with in one of 4 ways, depending on the content of the petition and the number of signatories.

The Council was able to deal with petitions which relate to the functions of partner authorities in its area, and those relating to sub-regional or cross-authority matters. Section 14 (2) of the Local Democracy, Economic Development and Construction Act 2009 provides that a petition must relate to:

- a) a function of the authority; or
- b) an improvement in the economic, social or environmental wellbeing of the Council's area, to which any of its partner authorities could contribute.

The guidance states that the Council could consider designing a scheme which was wider than requirements e.g. responding to petitions from those who do not live/work in the area. However, it was not proposed to include this option within the petition scheme.

The Council had to check each petition submitted, to determine whether it was valid. It was expected that the Council would treat as a petition any document which was identified as being a petition or which a reasonable person would regard as a petition. The authority was permitted not to accept a petition where, in the opinion of the authority, it was vexatious, abusive or otherwise inappropriate to be dealt with under the petition scheme. Where appropriate, other procedures such as the Council's complaints process would be followed instead. Any petition must have at least 5 signatures on it, to be considered as a petition. A standard pro-forma for collecting signatures would be published on the Council's website.

The Council had to decide what equates to a signature on a petition and what level of authentication to apply to paper petitions and e-petitions. It was proposed that each signature should be accompanied by a valid address and postcode for where that person lives, works or studies in Coventry (as well as a valid email address for e-petitions). This would reduce the risk of false signatures.

Petitions prescribed under other legislation e.g. for an elected mayor, would be excluded from the petitions scheme and would be dealt with under separate procedures:

The Council was required to provide a facility for electronic petitions (e-petitions) from 15 December 2010 and was only required to respond to e-petitions raised through an e-petitions facility.

Once a petition was defined as valid, the Council would send an acknowledgement within 10 working days of receipt, and advise the petition organiser which route it was intended that the petition would follow. The petitions organiser must be kept informed all through the process of the progress of the petition, attendance at meetings where the petition would be discussed, and the eventual result. If the Council decided that a petition was not valid, it must state the reason for this. If the Council decided a petition was valid, but that the petition's objective had already been addressed and no further action was needed, the Council must confirm this.

The Council was expected to determine a threshold number of signatures on a petition which would trigger a debate at a full Council meeting. The guidance stated that this was to be set locally but should be no more than 5% of the population (which was 15,525 for Coventry). It was recommended that for Coventry the threshold should be 15,000. The Council can change this threshold number at any point in the future; if no petitions were received within six months or a year, the Council could reduce the threshold.

The action which a Council must take to deal with a petition depends on which of the following categories it fits into:

- a) it meets the threshold of enough signatures to trigger a Council debate
- b) it has fewer than the threshold number of signatures; or
- c) it holds a named officer to account and meets the required threshold for this or
- d) is a petition on a planning, licensing or regulatory matter in which case it will be dealt with by the relevant Committee under the Committee's rules.

The Council currently had a register of petitions which were active. It would be prudent to incorporate these current and outstanding petitions into the new petitions framework and all petitions received would be included in the Petitions Register.

Where a petition had at least 15,000 signatures, there must be a debate at a full Council meeting. This gives people the assurance that their views have been listened to and the chance to hear their local representatives debate their concerns. The petition organiser would be invited to attend to present their petition to Council, at the start of the debate. The Council could also give petitioners the opportunity to make further contributions to the debate, such as responding to questions from Councillors. When the debate concludes, the Council must take a decision which could be to take specific action or not to take any action. The debate outcome would be confirmed to the petition organiser in writing.

Under the government guidance, it was expected that Councils would consider a petition at the first meeting after a petition was received, but recognised that a balance was needed between the debate of petitions and other Council business. Where there were a number of petitions already scheduled for debate, it may be necessary to schedule petitions at a Council meeting beyond the next one. The petition organiser would be told when the debate would be held, with sufficient notice to enable them to attend.

Under the legislation, Full Council should consider the following options when dealing with a petition:

- Giving effect to the request in the petition
- Holding an enquiry into the matter
- Commissioning research into the matter
- Referring the petition for consideration by the Council's Scrutiny Boards
- Writing to the petition organiser setting out the views of the Council about the request in the petition
- Any other appropriate action

Those petitions with between 5 and 15,000 signatures would be treated as 'ordinary petitions' and would follow the route which existed prior to this new scheme, i.e. by referral to Cabinet Member or Cabinet. At either meeting, the Council should still consider the options below, but does not have to do so as these petitions fall outside of the new legislation

- Giving effect to the request in the petition
- Considering the petition at a Full Council meeting
- Holding an enquiry into the matter
- Commissioning research into the matter
- Referring the petition for consideration by the Council's Scrutiny Boards
- Writing to the petition organiser setting out the views of the Council about the request in the petition
- Any other appropriate action

The City Council's current process for dealing with petitions includes sending the petition to the relevant directorate, with a request for a report responding to the petition within two months (as per the Council's Constitution). It was recommended that this procedure be replicated within the new petition scheme.

Local people have the right to petition for a named senior officer to attend a public meeting of the Council's overview and scrutiny committee and answer questions about their work. The Council needs to set a threshold for the number of signatures on a petition

which would trigger an officer being asked to attend a meeting of one of the Scrutiny Boards. There was no specific guidance on this figure. It was proposed that the Council set a threshold of 10,000 signatures on petitions holding an officer to account.

The Council must decide which senior officers could be called to account by such a petition. The officers must include the head of paid service and the statutory chief officers and non-statutory chief officers of the authority as set out in Section 2 of the Local Government and Housing Act (1989) (c. 42). For Coventry this would include the following officers:

- Chief Executive
- Corporate Directors
- Monitoring Officer

The Scrutiny Board may require an alternative officer to attend where it was appropriate and necessary. The Scrutiny Board may also require the relevant Cabinet Member to attend. The outcomes from the meeting of the Scrutiny Board must be published on the website and notified to the petition organiser.

Under Section 17 of the 2009 Act, if the petition organiser was not satisfied by the actions taken by the authority in response to a petition, the petition scheme must give a right of appeal for the petition to be considered by a Scrutiny Committee. It was proposed this should be the Scrutiny Co-ordination Committee. The results of any review must be published on the website.

The petition scheme would be contained within the Council's Constitution and it was recommended that it be inserted at section 4.9.

In addition, there were a number of other sections within the Constitution which need to be amended to enable the provisions within the scheme to be implemented and these were detailed in the Appendices to the report. These were:

- changes to the terms of reference of Scrutiny Boards to consider petitions to call senior officers to account (Appendix 2).
- changes to the terms of reference for Scrutiny Boards to include the requirement for a petitions review (or appeal) process (see Appendix 2); and
- amendment of paragraph 4.1.2.7 and insertion of paragraph at 4.1.36.1, to enable petition debates to be held at Council meetings, in accordance with the Petition Scheme (see Appendix 2).

The Council currently allows petitions of more than 5 signatures to be submitted by a Councillor and presented to a meeting of the full Council, to a Cabinet Member or to either the Planning or Licensing Committee. Councillors were able to speak at full Council meetings to a petition they have submitted. It was proposed that, under the new petition scheme, the existing provisions would remain in place. The new Scheme had been written to take account of the existing provisions of the Council's scheme, and to include the requirements for the new types of petitions.

The timescales for implementation of the requirements for Coventry City Council were set under the Local Democracy, Economic, Development and Construction Act 2009, which provides that the duty to make a scheme comes into force on 15<sup>th</sup> June 2010, whilst the e-petitions requirements would become effective from 15<sup>th</sup> December 2010. Statutory

guidance to support the petitions duty was published on 30<sup>th</sup> March 2010.

The Committee considered the report and discussed in detail the thresholds for petitions which trigger a Council debate and those which trigger an officer attending an overview and scrutiny committee. The Committee agreed that the figures in the report of 15,000 signatures to trigger a Council Debate and 10,000 signatures to trigger an officer attending an overview and scrutiny committee were too high based on previous petitions submitted to the Council and be reduced to be more in line with the size/population of a ward. Equally a reduced figure for an officer attending an Overview and Scrutiny Committee should be identified.

The Committee requested that the City Council give further consideration to the thresholds for petitions and that the officers be requested to submit a briefing note to Council accompanying the report to explain the Committee's request.

**RECOMMENDED that, having regard to the views of the Standards Committee in terms of threshold numbers, the City Council:-**

- (1) Approve the threshold for petitions which trigger a Council debate.**
- (2) Approve the threshold for petitions which trigger an officer attending an overview and scrutiny committee.**
- (3) Approve the petition scheme detailed in Appendix 1, to take immediate effect and to replace the existing section 4.9 of the Council's Constitution.**
- (4) Approve the remaining changes required in the Constitution to the terms of reference for the Scrutiny Boards and Council procedure rules as detailed in Appendix 2.**



**Report to Standards Committee  
Council**

**10<sup>th</sup> June, 2010  
24<sup>th</sup> June, 2010**

**Report of:  
Director of Customer and Workforce Services and  
Director of Finance and Legal Services**

**Title: New Duty to Respond to Petitions**

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### **1 Purpose of the Report**

- 1.1 This reports sets out how the Council's processes for dealing with petitions needs to be revised as a result of a new statutory duty to respond to petitions which Councils are required to implement.

### **2 Recommendations**

- 2.1 Standards Committee is asked to recommend that Council:
- 2.2 Approve the threshold for petitions which trigger a Council debate at 15,000 signatures;
- 2.3 Approve the threshold for petitions which trigger an officer attending an overview and scrutiny committee at 10,000 signatures;
- 2.4 Approve the petition scheme in Appendix 1, which will take immediate effect and replacing the existing section 4.9 of the Council's Constitution;
- 2.5 Approve the remaining changes required in the Constitution to the terms of reference for the Scrutiny Boards and Council procedure rules. (Appendix 2)
- 2.6 The Council is requested to consider the recommendations of the Standards Committee and then to decide whether or not to approve the above recommendations.

### **3 Information/Background**

- 3.1 The Local Democracy, Economic Development and Construction Act (2009) include a new duty on Councils to respond to all petitions submitted. The aim of this new duty is to strengthen local accountability in public services and places local authorities on the front line of ensuring that local people connect with their decision makers. The Local Authorities

(Petitions) (England) Order 2010 was made on 22<sup>nd</sup> March 2010 and statutory guidance was issued on 30 March 2010. The duty requires Councils to establish a petition scheme to handle paper based petitions from 15<sup>th</sup> June 2010. The Scheme must be approved by a meeting of the Council prior to it coming into force. Planning and licensing/ regulatory matters and matters relating to an individual or entity where there is a right to hold a review or a right of appeal under any other legal requirement are exempt the new requirements of the legislation, but are still provided for in the Council's Scheme, as provision already existed in the Council's rules under the existing scheme. From 15<sup>th</sup> December 2010, the Council must also have an e-petitions facility in place, and the new Scheme provides for this.

- 3.2 The new duty requires the current process for dealing with petitions at Coventry City Council to be changed. The new petition scheme will replace the current petitions procedure rules in the Council's Constitution (section 4.9), but still contains provisions which were in place, where they do not contradict the new requirements. A key principle of the new duty is that any person living, working or studying within its area can raise or sign a petition and require it to be dealt with in accordance with Council's petition scheme, and that petitions no longer need to be submitted by a Councillor.

#### **4. Proposal**

- 4.1 The Council is required under the Statutory Guidance to establish a petition scheme for dealing with all the petitions it receives. There is specific guidance on what this must contain. The petition scheme should include the following information:
- a) how we deal with petitions and decide if they are valid
  - b) a list of steps to be taken in relation to responding to a petition
  - c) provide for notification of steps taken to be given to the petition organiser
  - d) provide for a review of the action taken by the Council and
  - e) provide a facility for e-petitions (by 15 December 2010 at the latest)

#### **Definition of a valid petition**

- 4.2 The Council's current petition scheme allows a petition to be brought by a Councillor if at least 5 signatories appear on it. Within the new scheme a petition can be submitted by a Councillor or a member of the public and still requires at least 5 signatories. Under the new scheme, a petition can be dealt with in one of 4 ways, depending on the content of the petition and the number of signatories.
- 4.3 The Council is able to deal with petitions which relate to the functions of partner authorities in its area, and those relating to sub-regional or cross-authority matters. Section 14 (2) of the Local Democracy, Economic Development and Construction Act 2009 provides that a petition must relate to:
- a) a function of the authority; or
  - b) an improvement in the economic, social or environmental wellbeing of the Council's area, to which any of its partner authorities could contribute.
- 4.4 The guidance states that the Council could consider designing a scheme which is wider than requirements e.g. responding to petitions from those who do not live/work in the area. However, it is not proposed to include this option within the petition scheme.

- 4.5 The Council has to check each petition submitted, to determine whether it is valid. It is expected that the Council will treat as a petition any document which is identified as being a petition or which a reasonable person would regard as a petition. The authority is permitted not to accept a petition where, in the opinion of the authority, it is vexatious, abusive or otherwise inappropriate to be dealt with under the petition scheme. Where appropriate, other procedures such as the Council's complaints process will be followed instead. Any petition must have at least 5 signatures on it, to be considered as a petition. A standard pro-forma for collecting signatures will be published on the Council's website.
- 4.6 The Council has to decide what equates to a signature on a petition and what level of authentication to apply to paper petitions and e-petitions. It is proposed that each signature should be accompanied by a valid address and postcode for where that person lives, works or studies in Coventry (as well as a valid email address for e-petitions). This would reduce the risk of false signatures.

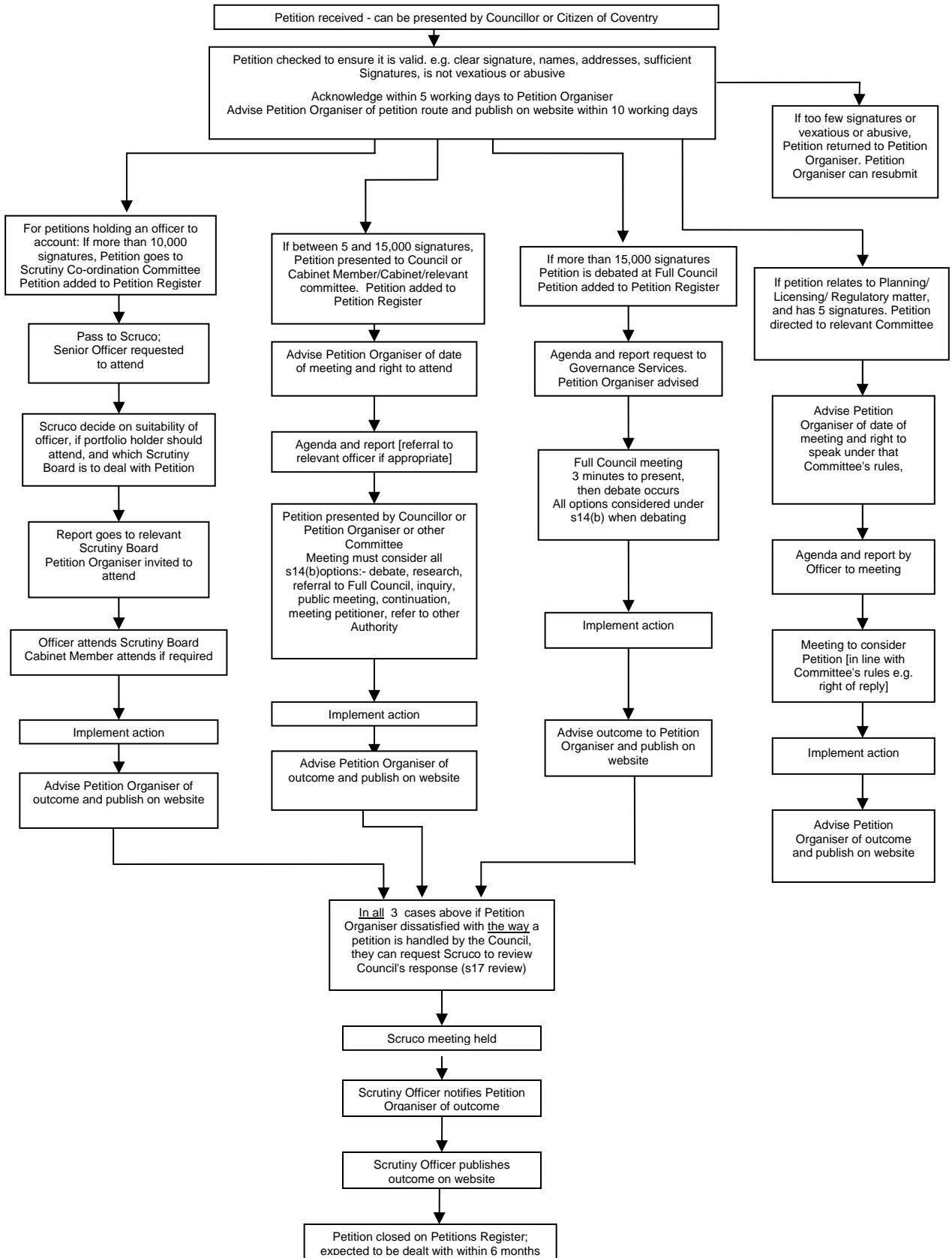
#### **Petitions excluded from the petition scheme**

- 4.7 Petitions prescribed under other legislation e.g. for an elected mayor, will be excluded from the petitions scheme and will be dealt with under separate procedures:
- 4.8 The Council is required to provide a facility for electronic petitions (e-petitions) from 15 December 2010 and is only required to respond to e-petitions raised through an e-petitions facility.

#### **Dealing with valid petitions**

- 4.9 Once a petition is defined as valid, the Council will send an acknowledgement within 10 working days of receipt, and advise the petition organiser which route it is intended that the petition will follow. The petitions organiser must be kept informed all through the process of the progress of the petition, attendance at meetings where the petition will be discussed, and the eventual result. If the Council decides that a petition is not valid, it must state the reason for this. If the Council decides a petition is valid, but that the petition's objective has already been addressed and no further action is needed, the Council must confirm this.
- 4.10 The Council is expected to determine a threshold number of signatures on a petition which would trigger a debate at a full Council meeting. The guidance states that this is to be set locally but should be no more than 5% of the population (which is 15,525 for Coventry). It is recommended that for Coventry the threshold should be 15,000. The Council can change this threshold number at any point in the future; if no petitions are received within six months or a year, the Council could reduce the threshold.
- 4.11 The action which a Council must take to deal with a petition depends on which of the following categories it fits into:
- a) it meets the threshold of enough signatures to trigger a Council debate
  - b) it has fewer than the threshold number of signatures; or
  - c) it holds a named officer to account and meets the required threshold for this or
  - d) is a petition on a planning, licensing or regulatory matter in which case it will be dealt with by the relevant Committee under the Committee's rules.
- 4.12 The Council currently has a register of petitions which are active. It would be prudent to incorporate these current and outstanding petitions into the new petitions framework and all petitions received will be included in the Petitions Register. The new framework is illustrated as a flowchart in Figure 1 and explained in the following sections.

**Figure 1 Route for a Petition**



### **Action for petitions with at least 15,000 signatures**

- 4.13 Where a petition has at least 15,000 signatures, there must be a debate at a full Council meeting. This gives people the assurance that their views have been listened to and the chance to hear their local representatives debate their concerns. The petition organiser will be invited to attend to present their petition to Council, at the start of the debate. The Council can also give petitioners the opportunity to make further contributions to the debate, such as responding to questions from Councillors. When the debate concludes, the Council must take a decision- which could be to take specific action or not to take any action. The debate outcome will be confirmed to the petition organiser in writing.
- 4.14 Under the government guidance, it is expected that Councils will consider a petition at the first meeting after a petition is received, but recognises that a balance is needed between the debate of petitions and other Council business. Where there are a number of petitions already scheduled for debate, it may be necessary to schedule petitions at a Council meeting beyond the next one. The petition organiser will be told when the debate will be held, with sufficient notice to enable them to attend.
- 4.15 Under the legislation, Full Council should consider the following options when dealing with a petition:
- Giving effect to the request in the petition
  - Holding an enquiry into the matter
  - Commissioning research into the matter
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Writing to the petition organiser setting out the views of the Council about the request in the petition
  - Any other appropriate action

### **Action for petitions with between 5 and 15,000 signatures**

- 4.16 These petitions will be treated as 'ordinary petitions' and will follow the route which existed prior to this new scheme, i.e. by referral to Cabinet Member or Cabinet. At either meeting, the Council should still consider the options below, but does not have to do so as these petitions fall outside of the new legislation
- Giving effect to the request in the petition
  - Considering the petition at a Full Council meeting
  - Holding an enquiry into the matter
  - Commissioning research into the matter
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Writing to the petition organiser setting out the views of the Council about the request in the petition
  - Any other appropriate action
- 4.17 Our current process for dealing with petitions includes sending the petition to the relevant directorate, with a request for a report responding to the petition within two months (as per the Council's Constitution). It is recommended that this procedure be replicated within the new petition scheme.

### **Action for petitions which hold an officer to account**

- 4.18 Local people have the right to petition for a named senior officer to attend a public meeting of the Council's overview and scrutiny committee and answer questions about their work. The Council needs to set a threshold for the number of signatures on a petition which will trigger an officer being asked to attend a meeting of one of the Scrutiny Boards. There is no specific guidance on this figure. It is proposed that the Council sets a threshold of 10,000 signatures on petitions holding an officer to account.
- 4.19 The Council must decide which senior officers can be called to account by such a petition. The officers must include the head of paid service and the statutory chief officers and non-statutory chief officers of the authority as set out in Section 2 of the Local Government and Housing Act (1989) (c. 42). For Coventry this will include the following officers:
- Chief Executive
  - Corporate Directors
  - Monitoring Officer
- 4.20 The Scrutiny Board may require an alternative officer to attend where it is appropriate and necessary. The Scrutiny Board may also require the relevant Cabinet Member to attend. The outcomes from the meeting of the Scrutiny Board must be published on the website and notified to the petition organiser.

### **Right to review the response to a petition**

- 4.21 Under Section 17 of the 2009 Act, if the petition organiser is not satisfied by the actions taken by the authority in response to a petition, the petition scheme must give a right of appeal for the petition to be considered by a Scrutiny Committee. It is proposed this should be the Scrutiny Co-ordination Committee. The results of any review must be published on the website.

### **The petition scheme and changes to the Constitution**

- 4.22 Taking all the requirements as set out in this report, the full proposed petition scheme is shown at Appendix 1. The petition scheme needs to be contained within the Council's Constitution and it is recommended that it be inserted at section 4.9.
- 4.23 In addition, there are a number of other sections within the Constitution which need to be amended to enable the provisions within the scheme to be implemented. These are:
- changes to the terms of reference of Scrutiny Boards to consider petitions to call senior officers to account (Appendix 2).
  - changes to the terms of reference for Scrutiny Boards to include the requirement for a petitions review (or appeal) process (see Appendix 2); and
  - amendment of paragraph 4.1.2.7 and insertion of paragraph at 4.1.36.1, to enable petition debates to be held at Council meetings, in accordance with the Petition Scheme (see Appendix 2).
- 4.24 The Council currently allows petitions of more than 5 signatures to be submitted by a Councillor and presented to a meeting of the full Council, to a Cabinet Member or to either the Planning or Licensing committee. At full Council meetings, Councillors are able to speak at full Council meetings to a petition they have submitted. It is proposed

that, under the new petition scheme, the existing provisions would remain in place. The new Scheme has been written to take account of the existing provisions of the Council's scheme, and to include the requirements for the new types of petitions.

## 5 Other specific implications

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

### 5.1 Legal implications

The legal requirement to have a petition scheme is already contained within the statutory provisions under the Local Democracy, Economic Development and Construction Act 2009. Statutory guidance on the duty to respond to petitions was issued by the Department for Communities and Local Government in March 2010. The duty to make such a scheme comes into force on 15 June 2010 and the scheme must provide for e-petitions from 15 December 2010.

## **5.2 Children and Young People**

The Council has to have regard to the necessity to safeguard and promote the welfare of children in the exercise of its functions under the Children's Act 2004.

## **5.3 Risk Management**

Under the legislation the Council must introduce a petition scheme which takes account of the statutory guidance. Not to respond effectively to the concerns raised by Coventry City citizens could have a negative impact on the reputation of the Council.

## **5.4 Crime and Disorder**

The Council to take into account the need to reduce crime and disorder in exercising its functions under the Crime and Disorder Act 2004. The petition system is a mechanism which may be used to raise issues relating to anti social behaviour or crime and disorder generally.

## **5.5 Information and Communications Technology**

The Council has to invest in appropriate software which is to be utilised to support the e-petitions system. The various options are being identified and considered but the actual software system and the price has not been confirmed, as it has not been determined whether the software can be supported internally or hosted by a third party, as a stand alone system. The new e-petitions facility does not need to be in place until 15 December; however work will need to start immediately on the procurement or establishment of this facility.

## **5.6 Human Resources**

The Government recognises that the petitions scheme will require additional resources to administer the facility. The adoption and publication of the petition scheme will have an impact on staff resources as there will be a requirement to verify signatures, to judge validity of the petition, servicing the online e-petition facility and, if there were an increase in petitions, attendance at more meetings.

## **5.7 Finance**

It is envisaged that costs will arise from increased work for officers, time at Council meetings and Overview and Scrutiny Committee, training and set up costs for e-petitions.

Local authorities will each receive a grant for 2010/11. This amount will vary by local authority dependent on the local population and has yet to be determined. It is likely that funding for future years to be incorporated into the revenue support grant.

## **6 Monitoring**

6.1 The petition scheme to be reviewed in December 2010

## **7 Timescale and expected outcomes**

7.2 The timescales for implementation of the requirements for Coventry City Council are set under the Local Democracy, Economic, Development and Construction Act 2009', which provides that the duty to make a scheme comes into force on 15<sup>th</sup> June 2010, whilst the e-petitions requirements will become effective from 15<sup>th</sup> December 2010. Statutory guidance to support the petitions duty was published on 30<sup>th</sup> March 2010.



	Yes	No
<b>Key Decision</b>		✓
<b>Scrutiny Consideration (if yes, which Scrutiny meeting and date)</b>		✓
<b>Council Consideration (if yes, date of Council meeting)</b>	✓ 24 <sup>th</sup> June, 2010	

List of background papers

Commencement orders/Regulations made thereunder.  
 Department of Communities and Local Government – Listening to communities: statutory guidance on the duty to respond to petitions – March 2010.  
 The Local Authorities (Petitions) (England) Order 2010. SI 2010 no. 898  
 Local Democracy, Economic Development and Construction Act 2009

Proper officer:

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 Assistant Director, Finance and Legal Services

Neil Chamberlain, Finance Manager      Tel 024 7683 4005

Papers open to Public Inspection

<b>Description of paper</b>	<b>Location</b>
None	

## **Appendix 1 Petition Procedure Rules (Petition Scheme)**

### **Section 4.9**

#### **4.9.1 General**

- 4.9.1.1 This part of the Constitution shall be referred to as the Petitions Scheme. The Petitions Scheme is based on the framework set out in the Local Democracy, Economic Development and Construction Act 2009 and takes account of the Guidance issued by the Department for Communities and Local Government issued on 30 March 2010.
- 4.9.1.2 The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out how the Council plans to deal with the petition, including an assessment of which of the three routes the petition should follow (see 4.9.4-4.9.9 below).
- 4.9.1.3 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition, and it has at least 5 signatories on it.
- 4.9.1.4 Subject to these rules, petitions can be submitted by members of the public, or presented by a Councillor on their behalf.
- 4.9.1.5 Petitions can be submitted in two ways - on paper and electronically. The option to submit e-petitions does not come into effect until 15 December 2010.
- 4.9.1.6 Paper petitions should be sent to the Petitions Officer:

Assistant Director, Democratic Services  
Customer and Workforce Services  
Coventry City Council  
Council House  
Earl Street  
Coventry  
CV1 5RR

#### **4.9.2 Guidelines for Submitting a Petition**

- 4.9.2.1 Petitions submitted to the Council must include:-
- a clear and concise statement covering the subject matter of the petition.
  - what action the petitioners wish the Council to take.
  - the name, address, postcode and signature of any person supporting the petition.
- 4.9.2.2 Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person will need to indicate which personal data can be published on the Council's

website in order to enable the Council to meet its obligations under the Data Protection Act 1988. If the petition does not identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

- 4.9.2.3 Petitions which have less than 5 signatures or are considered to be vexatious, abusive or otherwise inappropriate (as determined by either the Petitions Officer or Monitoring Officer) will not be accepted.
- 4.9.2.4 In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.
- 4.9.2.5 In all cases, if the petition does not follow the guidelines set out above, the Council may decide to take no further action with the petition. If this is the case the Council will set out the reasons for this action.

### **4.9.3 e-Petitions**

- 4.9.3.1 Petitions can be submitted electronically from 15 December 2010. E-petitions will be created and submitted through the Council's website and e-petitions will follow the same guidelines as paper petitions.
- 4.9.3.2 The e Petition Organiser must provide their name, postal address and email address and specify how long the petition is to be open for signatures. He or she must also give their consent to their personal data being published on the Council's website in order to enable the council to meet its obligations under the Data Protection Act 1988. Most petitions are expected to run for 6 months but a shorter or longer timeframe can be applied by the e-Petition Organiser up to a maximum of 12 months.
- 4.9.3.3 An e-petition will be published online within ten working days. The Council will check that the content of the e-petition is suitable before it is published in accordance with section 4.9.3.4 below. If the petition cannot be published then the Petition Organiser will be advised within ten working days, and will have the opportunity to make changes to the petition. If the e-petition is not altered and re-submitted, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 4.9.3.4 When an e-petition has closed for signature, it will be automatically submitted to the Council's Petitions Officer. All e-petitions will be checked using the name, email address and the postcode supplied by the signatories. It will then follow the normal routing process referred to below, depending on the number of signatures on the e-petition and what it is asking the Council to do.

### **4.9.4 Council Action on Receipt of a Petition**

- 4.9.4.1 A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition. Details of the petition will be sent to the relevant ward Councillors. For city-wide petitions, all Councillors will be notified via the weekly Petitions Register update. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both

the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

4.9.4.2 On receipt of the petition, the Council's Petitions Officer [the Assistant Director (Democratic Services)] will review the petition and check which of the four applicable routes that the petition should follow. The four routes that are available to a petition are as follows:-

- A petition requiring Council debate.
- A petition requiring a senior officer to give evidence.
- A petition which relates to a Planning, Licensing or Regulatory matter
- Other petitions

4.9.4.3 If the petition is a statutory petition (for example requesting a referendum on having an Elected Mayor) or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

4.9.4.4 The Petitions Officer will check that the petition complies with the requirements with regard to the details above and then publish details of the petition received on the Council's website. The petition will be published within ten working days of receipt.

#### **4.9.5 Petitions being submitted or Sponsored by a Councillor**

4.9.5.1 Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'. In these cases, where there are at least 5 signatures:

4.9.5.2 If a Councillor presents a petition to a meeting of the City Council, the Councillor submitting the petition will be entitled to speak for two minutes.

4.9.5.3 If a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the Cabinet or Cabinet Member meeting to present the petition and entitled to speak for two minutes.

4.9.5.4 If a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

4.9.5.5 Where two or more Councillors present the same petitions, both Councillors will be entitled to the rights regarding speaking at council meetings and attending the appropriate meeting to present the petition as outlined in 4.9.1.1-4.9.1.4 above and 4.9.6 below.

#### **4.9.6 A Petition Requiring Full Council Debate**

4.9.6.1 If a petition contains more than 15,000 signatures it will be debated by a Full Council meeting, unless it is a petition requiring senior officer attendance. This means that the issue raised in the petition will be discussed at a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next

available meeting, although on occasions this will not be possible and the matter will be passed to the next Full Council meeting.

- 4.9.6.2 The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.
- 4.9.6.3 The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for the reasons put forward in debate, or to commission further investigation into the matter, for example by a relevant Committee.
- 4.9.6.4 When dealing with the petition, the Council may consider one or more of the following responses to the petition:-
- Taking the action requested in the petition
  - Referring the petition to Cabinet, a Cabinet Member or relevant Committee
  - Holding an enquiry into the matter
  - Undertaking research into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with the petitioners
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Calling a referendum
  - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
  - Any other appropriate action
- 4.9.6.5 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petition.
- 4.9.6.6 For example, if the petition relates to something over which the Council has no direct control (for example a railway or hospital) it may consider making representations on behalf of the community to the relevant body. The Council works with a large number of Local Partners and where possible will work with these Partners to respond to the petition.
- 4.9.6.7 If the Council is not able to do this for any reason then it will set out the reasons for this in writing to the Petition Organiser.
- 4.9.6.8 Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.
- 4.9.6.9 In all cases the Council will advise the Petition Organiser of the action it has taken.

#### **4.9.7 Petitions Requiring Attendance by a Senior Council Officer**

4.9.7.1 If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-

- Chief Executive
- Assistant Chief Executive
- Director of Customer and Workforce Services
- Director of City Services and Development
- Director of Community Services
- Director of Children, Learning and Young People
- Director of Finance and Legal Services
- Director of Strategic Planning and Partnerships
- Monitoring Officer

4.9.7.2 Only these officers can be called to give evidence under this section of the petition scheme.

4.9.7.3 If a petition has the requisite number of signatures, the Council's Scrutiny Co-ordination Committee will decide which of the Council's Scrutiny Boards, the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

4.9.7.4 Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

4.9.7.5 In all cases the Council will advise the Petition Organiser of the action it has taken.

#### **4.9.8 Other Petitions**

4.9.8.1 If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member. If the Petition has been presented by a Councillor as the Petition Organiser, then the Councillor will be able to present the Petition.

4.9.8.2 Petitions can be presented to Full Council by the Petition Organiser (a Councillor or a citizen), but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.

4.9.8.3 The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter relates to and advise them of the date of the meeting when the Cabinet / Cabinet Member / relevant Committee will consider the matter, The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee [or the Cabinet Member concerned].

- 4.9.8.4 The Petition Organiser (including any Councillor as Petition Organiser) may attend the Cabinet Member / Cabinet / relevant committee meeting and speak about the petition. Only the Petition Organiser is entitled to speak and they should confirm their attendance to the Council at least 3 working days before the meeting.
- 4.9.8.5 Where more than one petition is presented in relation to a particular item, then the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite the petitioner organiser to nominate a spokesperson for each of the petitions to the meeting at which the petitions are to be considered. Each spokesperson will be entitled to attend the meeting and to speak upon the consideration of the petition. If a spokesperson is unable to attend, for any reason, this would not prevent the meeting considering all the petitions and coming to a decision.
- 4.9.8.6 Where a petition stands referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place upon it in the City Council prior to its consideration by the Cabinet, appropriate Cabinet Member or appropriate City Council Committee except that the Councillor presenting a petition will be allowed to speak for not more than two minutes in explanation of the contents of that petition.
- 4.9.8.7 The Cabinet, appropriate Cabinet Member or relevant Committee will have the following courses of action available:-
- Taking the action requested in the petition
  - Referring the petition to Full Council or another relevant Committee
  - Holding an enquiry into the matter
  - Undertaking research into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with the petitioners
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Calling a referendum
  - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
  - Refer the matter to an Advisory Panel and ask them for advice
  - Any other appropriate action
- 4.9.8.8 When considering the matter, the Cabinet Member/ Committee may decide that the petition is such a matter that requires Full Cabinet consideration, in which case he or she can refer the matter to the Cabinet for the next available meeting, for example if it appears to relate to a City Council-wide or cross-cutting issue.
- 4.9.8.9 In all cases the Council will advise the Petition Organiser of the action is has taken.
- 4.9.9 Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee**
- 4.9.9.1 Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.

- 4.9.9.2 In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application rather than within a period of two months. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.
- 4.9.9.3 **Deadline for Receipt of Petitions to Planning Committee**
- 4.9.9.4 In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser ( including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the City Planning Manager on the 'late representations report' which is tabled at the meeting.
- 4.9.9.5 **Length of Speeches at Planning Committee**
- 4.9.9.6 At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.
- 4.9.9.7 In all cases the Council will advise the Petition Organiser of the action it has taken.

#### **4.9.10 Petitions – The Right of Appeal**

- 4.9.10.1 If the Petition Organiser considers that the Council has not responded to a petition ( except those petitions which are dealt with by the Planning, Licensing and regulatory Committees) properly, he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in response to the petition.
- 4.9.10.2 If a Petition Organiser wishes to operate his or her right of appeal, he should write to the Council's Scrutiny Officer no later than 5 working days after final determination of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.
- 4.9.10.3 The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.
- 4.9.10.4 If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.



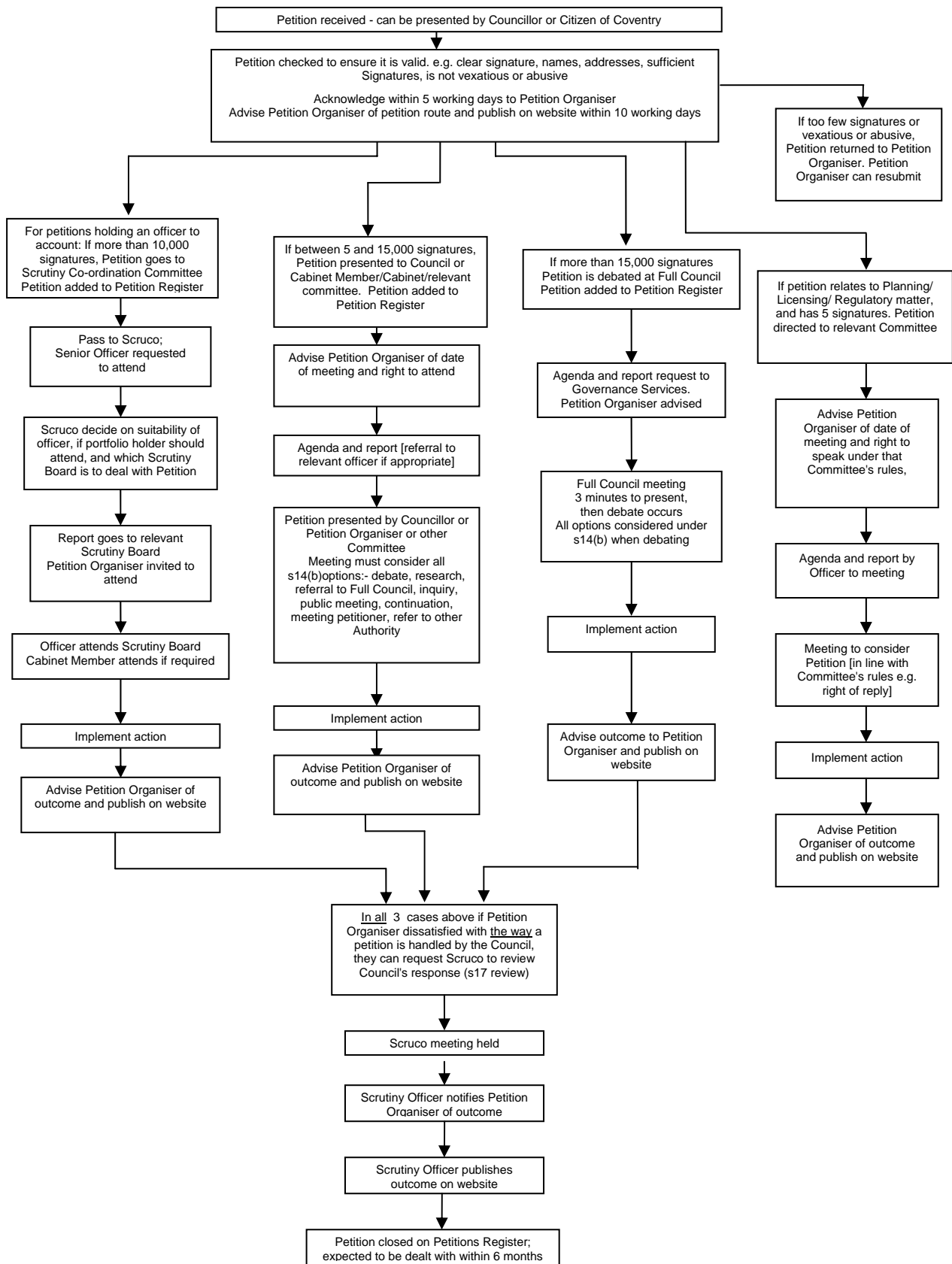
4.9.10.5 Once the appeal has been considered the Petition Organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

#### **4.9.11 Summary**

4.9.11.1 A summary of the Council's process for dealing with petitions is set out on the diagram attached.

#### **4.9.12 Reviewing the petition procedure rules (the petition scheme)**

4.9.12.1 The Council can revise this petition scheme at any time in accordance with Section 11 of the Local Democracy Economic Development and Construction Act 2009.



## Appendix 2

### 2.3 **Article 3 – Citizens and the Council**

#### 2.3.4 **Participation**

Citizens have the right to participate in Planning Committee meetings and the rules of participation are set out in Part 4.

Citizens may be invited to contribute to investigations by Scrutiny Boards, [and to speak at meetings of the Scrutiny Co-ordination Committee when they are conducting a review under s17 Local Democracy, Economic Development and Construction Act 2009.](#)

[Citizens who are the organisers of petitions will be entitled to speak at a meeting of Full Council in accordance with the rules for petitions in Part 4.](#)

### 2.6 **Article 6 - Scrutiny**

#### 2.6.3 **General Role**

Within their Terms of Reference and Scrutiny Procedure Rules, Scrutiny Councillors will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any other Committee/Other Bodies in connection with the discharge of any functions
- iii) consider any matter affecting the area or its inhabitants
- iv) exercise the right to call-in for reconsideration decisions made but not yet implemented by the Cabinet and/or any other Committee/Forum subject to limitations specified in Part 4.5.26 of this Constitution.

[v\) undertake a review of the way the Council has dealt with a petition, under s17 Local Democracy, Economic Development and Construction Act 2009](#)

#### 2.6.7.2 **Scrutiny**

Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Cabinet and/or other Committees/Forums and Council Officers both in relation to individual decisions and over time

- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- question members of the Cabinet and/or other Committees/Other Bodies and Council Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- make recommendations to the Cabinet and/or appropriate Committee/Forum and/or Council arising from the outcome of the scrutiny process
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Board and local people about their activities and performance
- request information from Partner Authorities as defined in s104 of the Local Government and Public Involvement in Health Act 2007
- question and gather evidence from any person (with their consent)
- conduct scrutiny and health related activity/services within the City
- require a Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or the Leader ( on behalf of the Cabinet) relating to that Member's Ward.
- [In relation to petition matters, require senior officers to attend before it and answer questions on their work in accordance with s. 16 of the Local Democracy, Economic Development and Construction Act 2009 and the Council's Petitions Scheme, at 4.9.6 of this Constitution.](#)
- [Review the way in which the Council has dealt with a petition, under s17 Local Democracy, Economic Development and Construction Act 2009](#)

#### 4.1 **Council Procedure Rules**

4.1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will be:

~~4.1.2.7 receive any petitions in accordance with the Petitions Procedure Rules set out in Part 4.9~~

4.1.2.7 [receive any petitions and to debate any petition containing more than 15,000 signatures in accordance with the Petitions scheme as set out at part 4.9 of this Constitution](#)

4.1.2.8 Petitions which contain more than 15,000 signatures will be debated at full Council meetings, in accordance with the Petition Scheme at part 4.9 of this constitution.

#### **4.5 Scrutiny Procedure Rules**

4.5.1.2 There will also be a Security Coordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Board, will be responsible for the consideration of call ins and undertake reviews of the way the Council deals with petitions under section 17 of The Local Democracy, Economic Development and Construction Act (2009).

4.5.2.2 The terms of reference of each Scrutiny Board: -  
(ix) to consider petitions – under 4.9.



## CABINET

15<sup>th</sup> June 2010

Cabinet Members Present: -  
Councillor Mrs Bigham  
Councillor Clifford  
Councillor Duggins (Deputy Chair)  
Councillor Harvard  
Councillor Kelly  
Councillor J. Mutton (Chair)  
Councillor O'Boyle  
Councillor Skipper  
Councillor Townshend

Non-Voting Opposition Representatives Present:-  
Councillor Foster  
Councillor Taylor

Other Members Present:-  
Councillor Andrews  
Councillor Blundell  
Councillor Lucas  
Councillor McNicholas  
Councillor M. Mutton  
Councillor Nellist  
Councillor Noonan  
Councillor Sehmi

Employees Present:-

Apologies Councillor A. Khan

## **RECOMMENDATIONS**

### **3. Far Gosford Street: Planning Applications and Stopping Up Orders**

The Cabinet considered a report of the Director of City Services and Development, which outlined proposals to apply to the Secretary of State for a stopping up order to stop up the existing highway to allow development to proceed at the three previously agreed development sites. The report also sought approval for the Council to be joint applicant for planning consent and for the addition of £1.3m to the capital programme for highway remodelling at the Gosford Street/Far Gosford Street junction, subject to approval of a full grant application to Advantage West Midlands.

In August 2009 Cabinet agreed to a Compulsory Purchase Order (CPO) for Far Gosford Street. In order to demonstrate that the CPO can be delivered, authority was needed to ask the Secretary of State for a highway stopping up order (SUO) so that this process could be completed in time for a public inquiry, which was likely to be held in the Autumn. The SUO would give permission for development to take place on the highway at three sites agreed for development in the Far Gosford Street development brief, which was

adopted by the Council as Supplementary Planning Guidance and formed part of a wider £30m plan to regenerate one the City's most historic areas.

A SUO would usually be applied for by developers after planning consent had been granted. But, the release of £1.3m of Advantage West Midlands (AWM) funding and the success of the CPO inquiry is dependent on the SUO being made ahead of the planning applications being approved. Without it, the CPO inquiry inspector may consider the schemes as undeliverable. As well as enabling the release of AWM funding, there were other advantages of applying for a SUO as soon as possible. Firstly, objections to both the CPO and the SOU could be heard at the same inquiry, thus avoiding the need for two inquiries and therefore saving time and money. It would also give the Council control of the timetable, increasing the likelihood of the CPO being agreed.

Legislation required the Council to become joint applicant with its development partner, Complex Development Projects Ltd (CDP), for planning applications at Sites 1, 2 and 5 on the location map appended to the report, which were a key part of the wider regeneration of the area.

In addition, approval was also requested to add £1.3m of capital funding to the Council's capital programme, subject to the approval of the application to AWM. This work would release an additional 0.2 hectares of highway land at the junction of Sky Blue Way, Gosford Street and Far Gosford Street to create a mixed use development site which could include a new designer hotel.

The Cabinet noted that there were no new financial implications for the Council: all costs will be met by Complex Development Projects Ltd (CDP) through a signed development agreement and by Advantage West Midlands (AWM) through grant.

The Cabinet gave approval to:-

- (a) apply to the Secretary of State for a stopping up order to stop up existing highway to allow development to proceed at the three previously agreed development sites identified on the plan attached to the report submitted, under Sections 247 and 253 of the Town & Country Planning Act 1990 or other legislation as deemed the most suitable,
- (b) being joint applicant for planning consent with the Council's development partner, Complex Development Projects, for Sites 1, 2 and 5 shown on the location plan.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the City Council approve the addition of £1.3m to the capital programme for highway remodelling at the Gosford Street/ Far Gosford Street junction, subject to approval by Advantage West Midlands of a full grant application, to release land for development.**

## **5. Additional Highways Capital Programme Expenditure 2010/11**

The Cabinet considered a joint report of the Director of City Services and



Development and the Director of Finance and Legal Services, which sought approval to additional spending of £3m on the highways investment and maintenance capital programme for 2010/11 beyond the amount approved in the budget report approved in December 2009. This proposal was in response to the need to improve the state of the Council's highways infrastructure as a matter of paramount importance.

The report indicated that the severe weather during the previous winter had exposed the weaknesses in many of the City's roads, creating an unprecedented number of potholes, and had resulted in a record number of complaints, and insurance claims, from members of the public. Coventry's Highways Asset Management Plan (which provides an inventory of roads, classifying them according to condition) predicts a continued decline in the quality of the City's roads at present spending levels. The Council have, therefore, identified highway maintenance as a priority for 2010/11 and requested that funding for an additional £3M be identified, to be used specifically to repair damaged road surfaces.

The Cabinet noted that it was essential that the Council implement a programme of repairs to ensure the roads were safe and to introduce a programme of preventative maintenance to prevent the ingress of water to reduce the likelihood of potholes forming.

It was proposed that the additional investment would be used to fund carriageway repair, using the various techniques available, such as overlays (£700,000), planning and patching (£700,000), thin surface treatments (£700,000), retread (£500,000) or resurfacing and reconstruction (£400,000). The criteria for the programme of works would be to ensure maximum coverage of the network to prevent a reoccurrence of the pothole problem and to deal with the worst first.

Given the stated intention to increase the prioritisation of highways repairs, the Directors of Finance and Legal Services and City Services and Development have analysed current budgets and reserve balances to identify funding sources for the additional expenditure required. £2m of the additional spending was proposed to be funded from non-highways related sources including Insurance Reserve (£0.5m), 2009/10 outturn underspent (£0.5m), management of the Capital Programme (£0.5m) and the 2010/11 allocation for budgetary control pressures (£0.5m).

The Cabinet were advised that, as a result of the unprecedented in year budget cuts announced by the Government, the £1m funding identified in paragraph 5.3 of the report would need to be reassessed and that proposals for achieving the additional £1m funding from existing Highways Capital Programme or other City Services and Development Schemes would be submitted to a future meeting of the Cabinet, along with details of which roads were most in need of repair. It was therefore proposed that paragraph 5.3 of the report be deleted.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the City Council**

- (1) Approve additional highways investment works in 2010/11 as outlined in section 2 of the report submitted,**

- (2) **Approve additional funding sources of £2m as set out in paragraph 5.2 of the report and £1m of additional spending to be funded from existing Highways Capital Programme or other City Services and Development Schemes, details of which will be the subject of a further report to Cabinet.**

## **6. Review of Delegated Cabinet Member Decisions 2004 to 2010**

The Cabinet considered a report of the Director of Customer and Workforce Services, which outlined a review of the delegated Cabinet Member decisions taken between 2004 and 2010. The report also made recommendations regarding which of these should be retained as delegated powers and which should be removed from the Scheme of Delegation to employees and reverted to the Cabinet Member.

Under Section 4.4.3(a) of the Council's Constitution, Cabinet Members are able to delegate powers to employees. The functions which could be carried out by employees were contained within Part 3.8 of the Constitution – Functions Delegated to Employees. However, it was noted that the original holder of any powers was still able to exercise those powers.

In May 2010, the Leader of the Council requested a review of the decisions made by Cabinet Members between 2004 and 2010. During that time, 19 decisions were delegated to officers by Cabinet Members. These were listed by current Cabinet portfolio in Appendix A of the report submitted. For some Cabinet portfolios, there had been no powers delegated to employees at Cabinet Member meetings.

Cabinet Members had been consulted by their relevant Director about the powers which had been delegated to employees between 2004 and 2010 and it was proposed that a number of the delegated powers be removed from the Scheme of Delegation. It was noted that these proposed changes to the Scheme of Delegation (Functions Delegated to Employees) would need to be submitted to Council for approval. The revised delegations would take effect immediately following the approval by Council.

A number of the items listed in Appendix A were identified as being 'pending'. Simon Brake reported at the meeting that these delegations related to a number of community safety functions which had transferred from the City Services and Development Directorate to the Community Services Directorate. It was proposed that further investigations be made in relation to these 5 delegations and that a report be submitted to the Cabinet Member (Corporate and Neighbourhood Services) with appropriate recommendations.

The Cabinet approved the proposed amendments to the Scheme of Delegations, including a number of delegations to employees reverting back to the appropriate Cabinet Member, for submission to Council.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommend that the City Council approve the amended Scheme of Delegations to Employees.**

**NOTE: CHANGES MADE TO THIS REPORT FOLLOWING CABINET ON 15<sup>TH</sup> JUNE 2010  
HAVE BEEN HIGHLIGHTED**

Cabinet  
Council

15<sup>th</sup> June 2010  
24<sup>th</sup> June 2010

**Name of Cabinet Member:**

**Cabinet Member (City Services) - (Councillor Harvard)  
Cabinet Member (City Development) – (Councillor Bigham)**

**Director Approving Submission of the report:**

Director of City Services and Development

**Ward(s) affected:**

St Michaels

**Title:**

**Far Gosford Street: planning applications and Stopping Up Orders**

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**Is this a key decision?**

Yes

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**Executive Summary:**

In August 2009 Cabinet agreed to a Compulsory Purchase Order (CPO) for Far Gosford Street. In order to demonstrate that the CPO can be delivered, member authority is now needed to ask the Secretary of State for a highway stopping up order (SUO) so that this process can be completed in time for a public inquiry, likely to be in the Autumn. The SUO gives permission for developments to take place on the highway at three sites agreed for development in the Far Gosford Street development brief, which has been adopted by the Council as Supplementary Planning Guidance – part of a wider £30m plan to regenerate one of the city's most historic areas.

A SUO is usually applied for by developers after planning consent has been granted. But the release of £1.3m of Advantage West Midlands (AWM) funding and the success of the CPO inquiry is dependent on the SUO being made ahead of the planning applications being approved, because, without it, the CPO inquiry inspector may consider the schemes as undeliverable. As well as enabling the release of AWM funding, there are other advantages of applying for a SUO as soon as possible:

- objections to both the CPO and the SOU can be heard at the same Inquiry, thus avoiding the need for two Inquiries and saving time and money
- it also gives the Council control of the timetable, increasing the likelihood of the CPO being agreed.

If Cabinet agrees to ask the Secretary of State for a SUO, legislation requires that the Council becomes joint applicant with its development partner, Complex Development Projects Ltd (CDP), for planning applications at Sites 1, 2 and 5 on the location map, which are a key part of the wider regeneration of the area.

Approval is also requested to add £1.3m of capital funding to the Council's capital programme, subject to the approval of the application to AWM. This work will release an additional 0.2 hectares of highway land at the junction of Sky Blue Way, Gosford Street and Far Gosford Street to create a mixed use development site which could include a new designer hotel.

There are no new financial implications for the Council: all costs will be met by Complex Development Projects Ltd (CDP) through a signed development agreement and by Advantage West Midlands (AWM) through grant.

**Recommendations:**

Cabinet is recommended to agree to:

- i) The Council applying to the Secretary of State for a stopping up order to stop up existing highway to allow development to proceed at the three previously agreed development sites identified on the attached plan, under Sections 247 and 253 of the Town & Country Planning Act 1990 or other legislation as deemed the most suitable;
- ii) The Council being joint applicant for planning consent with the Council's development partner, Complex Development Projects, for Sites 1, 2 and 5 shown on the location plan;
- iii) **Request the Council to agree to the addition of** £1.3m to the capital programme for highway remodelling at the Gosford Street/ Far Gosford Street junction, subject to approval by Advantage West Midlands of a full grant application, to release land for development.

**Council is recommended to:**

- i) **Agree to the addition of £1.3m to the capital programme for highway remodelling at the Gosford Street/Far Gosford Street junction, subject to approval by Advantage West Midlands for a full grant application, to release land for development.**

**List of Appendices included:**

None

**Other useful background papers:**

Far Gosford Street development brief, January 2007 available at [www.coventry.gov.uk](http://www.coventry.gov.uk)  
Far Gosford Street Compulsory Purchase Order Statement of Reasons July 2009  
Far Gosford Street Compulsory Purchase Order Statement of Case March 2010

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes

**Report title:**

**Far Gosford Street: planning applications and Stopping Up Orders**

**1. Context (or background)**

1.1 The Far Gosford Street development brief highlights the development potential at Sites 1, 2 and 5 shown on the attached plan that involve developing on existing highway. Stopping up the highway will release land for development and environmental improvements. Illustrations of the developments and plans of the proposed remodelling of the highway at Site 1 will be available at your meeting.

1.2 Once the CPO date has been fixed by the Secretary of State it cannot be changed. For the CPO to be confirmed, the developments must be deliverable. This requires the removal of any potential barriers, including highway stopping up orders (SUOs). For this to happen within the timescale, the SOU application process must begin now to allow time for negotiations to occur with any objections. If objections cannot be addressed by negotiation, they will be considered at the same inquiry. Applications for SUOs are usually made to the Secretary of State by the developer after planning consent has been granted, but there is not time for this to happen in time for the SUO process to be completed by the Autumn. However, where a planning application is made by the local authority, or jointly with a developer, the SUO process can be started in advance of planning consent being granted. If this process begins now, the Autumn deadline can still be met.

1.3 Grant finance for the highway remodelling at Site 1 has been agreed in principle by AWM under the Coventry Inspires programme for the city centre, subject to the approval of a full grant application, which has been submitted. AWM have stated that they cannot approve the grant application until the Council has agreed to apply for the SOUs.

**2. Options considered and recommended proposal**

2.1 CPO and SUO options There are several advantages of the Council applying for the SUOs now, rather than waiting till after planning consent is granted:

- a. by running the CPO and SUO process concurrently, any objections can be dealt with at the same inquiry within the existing CPO budget which AWM has agreed to fund;
- b. AWM can approve the grant funding for the remodelling of Site 1;
- c. the CPO is more likely to be confirmed by the inquiry inspector because the scheme will be deliverable;
- d. gives the Council control of the CPO process independently of its development partner.

There are no financial implications to the Council being joint applicant for the planning applications. All fee costs can be met from the AWM fee budget.

Failure to do this will:

- a. risk the need for a separate SUO inquiry, incurring additional costs for the Council which will not be met by AWM;
- b. risk losing £1.3m of grant funding for this scheme, because AWM will not approve it until the Council have agreed to apply for the SUOs;
- c. undermine the CPO inquiry because the inspector may not be convinced that the scheme can be delivered;
- d. delay the implementation of the CPO, introducing further uncertainty for those affected and adversely affecting the Council's reputation.

- 2.2 Site 1 highway remodelling options Highway remodelling involves the closure of one of five accesses onto the Sky Blue Way roundabout at Site 1. This will release land which it is proposed will be used for a landmark hotel development and the creation of a new pedestrian boulevard at the site of the historic Gosford Gate. Five options were considered to safely remodel the highway without increasing bus waiting times. The option being recommended has proven to be feasible, generates the most benefits, has been agreed with the bus operators and complies with the Council's highway and safety standards. A drawing of the recommended option will be available at your meeting.
- 2.3 Subject to approval of a full planning application (which is dependent on requesting the SUOs), AWM has offered to finance the £1.3m cost of highway remodelling at Site 1. This will create an additional 0.2 hectare development site and release land for a new pedestrian boulevard linking Gosford Street with Far Gosford Street.
- 2.4 The closure of rear service roads at Sites 2 and 5 will release land fronting Sky Blue Way for office development which it is proposed will be occupied by small creative businesses. This will create an 'active frontage' onto Sky Blue Way and improve the run-down appearance of this high profile route into the city centre. The option of developing surplus land to the rear of Far Gosford Street properties without using part of the service roads does not release adequate development land to be economically viable. Both existing and new properties will be serviced by a new shared private courtyard currently in private use as rear yards and vacant land.

### **3. Results of consultation undertaken**

- 3.1 The options for remodelling the highway at Site 1 have been technically evaluated by Jacobs (the Council's highway designers) and the selected option agreed by the Gosford Gate Project Board, which includes representatives from the Council, Jacobs, Advantage West Midlands and Complex Development Projects. A full safety audit will be carried out when detailed materials specifications are finalised.
- 3.2 Many stakeholders and property interests have been consulted on the proposals, including the Bus Operators Consultative Group, the Far Gosford Street Partnership, the Far Gosford Street Business Forum and all the property owners, leaseholders and tenants affected by the scheme. Some property stakeholders have submitted objections to the CPO. Those that cannot be resolved by negotiation will be considered by the inspector at the CPO/ SUO inquiry. Further consultation will take place during the formal consultation period for the planning applications and the SUOs.

### **4. Timetable for implementing this decision**

- 4.1 A formal application will be made for the SUOs as soon as Cabinet's decision is confirmed. Any objections made to the Secretary of State that cannot be negotiated and withdrawn will be considered at the CPO/ SUO inquiry. If the outcome is successful, the CPO and SUOs are expected to be confirmed in time to allow the highway works to start in Spring 2011, provided the Orders are not challenged at this stage.

### **5. Comments from Director of Finance and Legal Services**

- 5.1 Financial implications  
If the recommendations are agreed, no new Council funding is required. The City Council/ CDP development agreement guarantees that all fee and construction costs will be met by Complex Development Projects Ltd and AWM grant. If approved, the AWM grant of £1.3m for the highway remodelling must be spent in 2011/12.

## 5.2 Human Rights Act implications

The statutory process for planning applications and SOUs have been found by the Courts to be compliant with the Human Rights Act.

## 5.2 Legal implications

The Stopping Up Order can be made under Sections 247 and advertised in advance of planning consent under Section 253 of the Town and Country Planning Act 1990, on the basis that the highway closures requested by the Council are required to deliver the Far Gosford Street development brief, facilitate highway remodelling and enable the developments to take place that could not otherwise occur. Subject to the outcome of a safety audit, the Council, as Highway Authority, believes there is a compelling economic and environmental case in the public interest to make the order which outweighs the loss of highway.

## 6. Other implications

### 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?

Regeneration of the Far Gosford Street area will create a new creative business quarter for the city, transform a part of the city centre into a thriving business and residential community, create jobs, improve the environment and attract investment and visitors from outside the city. This contributes to the following core aims: a prosperous Coventry; making Coventry an attractive and enjoyable place to be; making places and services easily accessible; encouraging a creative, active and vibrant city; improving the environment and tackling climate change.

### 6.2 How is risk being managed?

6.2.1 The risks of not applying for SUOs now are stated in paragraph 2.1 and have been identified by the project board in a full risk register.

### 6.3 What is the impact on the organisation?

The CPO, SUOs and public inquiry will generate additional work for City Services and Development and Finance & Legal Services Directorates, which will be shared between existing budgets & staff. Specialist legal and property advice has also been contracted, the cost of which will be met by Advantage West Midlands grant and existing Council budgets.

### 6.4 Equalities / EIA

An equalities impact assessment carried out for the Far Gosford Street regeneration project in 2008 concluded that the project is improving opportunities for residents and businesses representing up to 40 different nationalities living or trading in the area.

### 6.5 Implications for (or impact on) the environment

The impact will be positive by re-using derelict land to the rear of buildings and making more efficient use of existing highway land. It is a condition of AWM funding that new buildings are designed to BREEAM (the Buildings Research Establishment Environmental Method) very good standards. The project will also significantly improve the street scene.

### 6.6 Implications for partner organisations?

By delivering the agreed Far Gosford Street development brief and action plan, the scheme will improve the Far Gosford Street and Charterhouse neighbourhoods. The project will help deliver the regeneration objectives of partner organisations Advantage West Midlands, the

Coventry Partnership and the Coventry, Solihull and Warwickshire Partnership (CSWP). The project will also help to deliver the objectives of the crime and community safety partnership.

**Report author(s):**

**Name and job title:**

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**Directorate:**

City Services and Development Directorate

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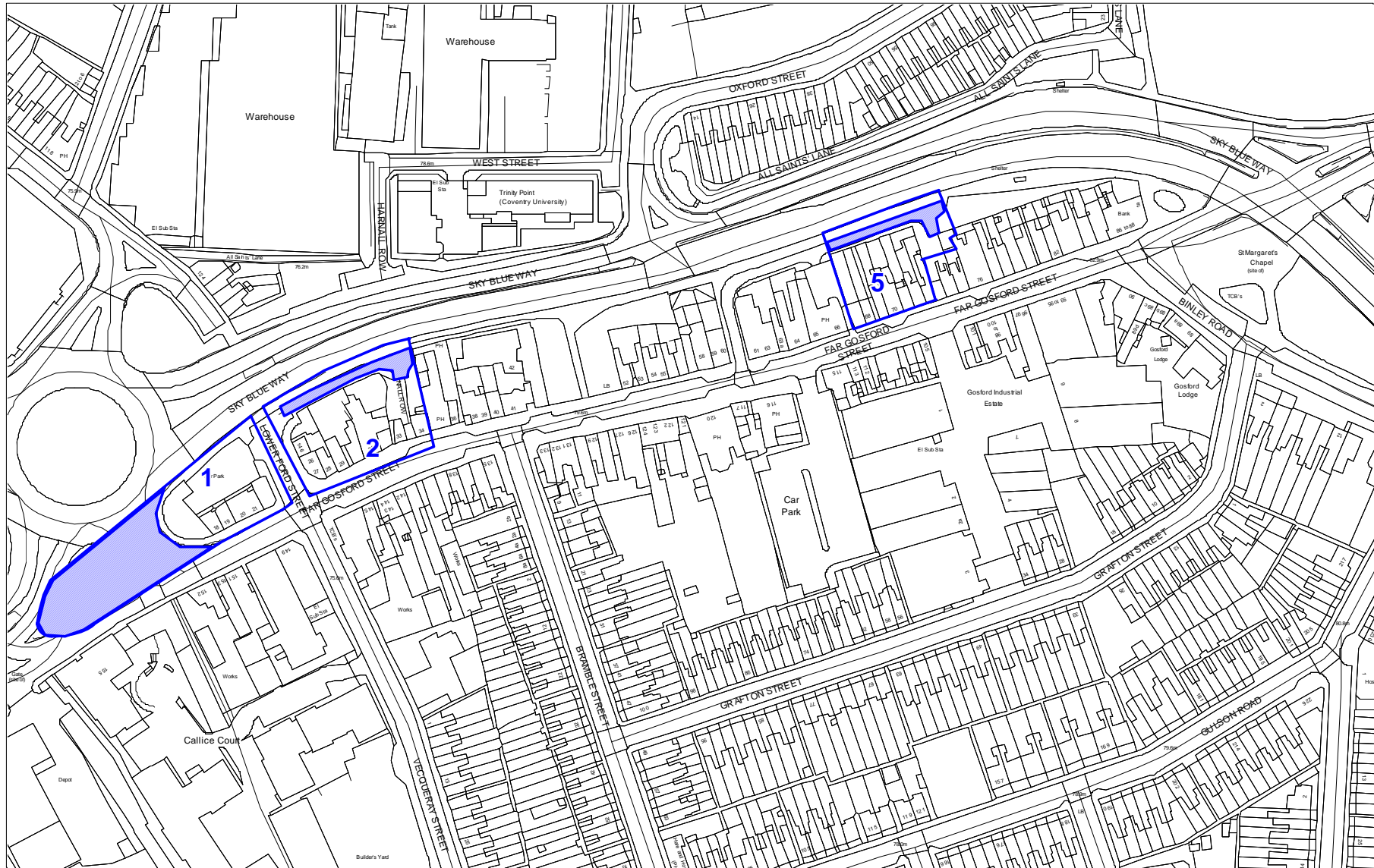
Enquiries should be directed to the above person.

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Members: Cllr Linda Bigham and Cllr Lindsley Harvard	Cabinet Member (City Development) and Cabinet Member (City Services)		n/a	26/05/10

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# Extent of FGS Stopping Up Orders



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**NOTE: CHANGES MADE TO THIS REPORT FOLLOWING CABINET ON 15<sup>TH</sup> JUNE 2010  
HAVE BEEN HIGHLIGHTED**

Cabinet 15th June 2010  
Council 24th June 2010

**Name of Cabinet Member:  
Cabinet Member (Policy Leadership and Governance) - Councillor Mutton**

**Directors approving the report:  
Director of City Services and Development  
Director of Finance and Legal Services**

**Ward(s) affected:  
All**

**Title:  
Additional Highways Capital Programme Expenditure 2010/11**

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**Is this a key decision?**

**Yes**

Cabinet and Council are being recommended to approve additional spending of £3m on the capital programme for highways investment and maintenance in 2010/11.

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**Executive summary:**

This report approves new spending of £3m on the highways investment and maintenance capital programme for 2010/11 beyond the amount approved in the budget report in December 2010. This is in response to the need to improve the state of the City Council's highways infrastructure as a matter of paramount importance.

The report sets out the need for this expenditure, the type of highways repairs in which the additional programme will be invested and the sources of funding for the work.

The funding for all of the expenditure will be found from existing resources. Due to the size of the spending programme being approved it is necessary to gain Council approval for this report.

**Recommendations:**

That Cabinet recommend to Council the approval of recommendations (1) and (2) below.

Council are recommended:

(1) To approve additional highways investment works in 2010/11 as outlined in section 2.

~~(2) To approve the additional funding sources of £2m and virement from current areas of expenditure of £1m as set out in sections 5.2 and 5.3.~~

(2) To approve additional funding sources of £2m as set out in 5.2 and £1m of additional spending to be funded from existing Highways Capital Programme or other City Services and Development Schemes, details of which will be the subject of a further report to Cabinet.

**List of Appendices included:**

None

**Other useful background papers:**

2010/11 Budget Report (Council 8<sup>th</sup> December 2009)

Transportation and Maintenance Capital Programme 2010/11 Report (Cabinet 30<sup>th</sup> March 2010)

**Has it or will it be considered by scrutiny?**

No

**Has it, or will it be considered by any other council committee, advisory panel or other body?**

No

**Will this report go to Council?**

Yes - 24<sup>th</sup> June 2010

**Report title:  
Additional Highways Capital Programme Expenditure 2010/11**

**1. Context**

The severe weather this winter has exposed the weaknesses in many of the city's roads creating an unprecedented number of potholes and has resulted in a record number of complaints, and insurance claims, from members of the public. Coventry's Highways Asset Management Plan (which provides an inventory of roads, classifying them according to condition) predicts a continued decline in the quality of the city's roads at present spending levels. Members have, therefore, identified highway maintenance as a priority for 2010/11. Officers have been asked to identify funding for an additional £3M to be used specifically to repair damaged road surfaces and this report sets out where the money will be found from and how it will be spent.

**2. Options considered and recommended proposal**

2.1 It is essential that we implement a programme of repairs to ensure the roads are safe and to introduce a programme of preventative maintenance to prevent the ingress of water to reduce the likelihood of potholes forming. Officers have been asked to identify how to fund an injection of £3m into highways expenditure for general carriageway repairs in addition to existing schemes and programmes. The proposed method of funding is set out in section 5.

2.2 It is proposed that the additional investment will be used to fund the following types of carriageway repair:

- Overlays – this is where a new surface course is laid on top of the existing road surface; to prevent a reduction in kerb height a small amount of the carriageway is planed out adjacent to the kerbs. An example of an overlay scheme is Banner Lane.
- Planing and Patching – this is where discrete patches of worn road surfacing are removed and a new surface course inlaid. This treatment may be a precursor to the application of a thin surface treatment (see below). An example of planing and patching can be seen on Clay Lane.
- Thin Surface Treatments – this is a collection of techniques with the primary aim of waterproofing the road surface to prevent pothole formation. The most commonly used treatment is surface dressing (tar and chips). It is proposed to treat two categories of road: those that have been extensively patched and those roads that have not yet failed but are likely to do so if we experience another severe winter.
- Retread – this process recycles the existing carriageway and adds a new surface layer. It is particularly useful for roads where the deterioration is such that none of the above techniques are applicable but full scale reconstruction is not necessary either. A recent example is Beanfield Avenue.
- Resurfacing and Reconstruction: - this is the most expensive treatment and will only be used where absolutely necessary. However, there are roads where there are structural problems and the extra money will be used to tackle the worst of these areas.

2.3 It is proposed to split the additional funding as shown below:

• Overlays	£700,000
• Planing and patching	£700,000
• Thin surface treatments	£700,000
• Retread	£500,000
• Resurfacing and Reconstruction	£400,000

A detailed programme of how the additional money will be spent is being prepared and will be available for the 20<sup>th</sup> July 2010 Cabinet meeting. The criteria for this programme are to ensure maximum coverage of the network to prevent a reoccurrence of the pothole problem and to deal with the worst first.

It should be noted that this expenditure is in addition to that set out in the March 30<sup>th</sup> Transport and Maintenance Capital Programme Report and will result in a programme of carriageway repairs of in excess of £5M for 2010/11.

### 3. Results of consultation undertaken

3.1 None.

### 4. Timetable for implementing this decision

4.1 It is proposed that work will commence immediately to appoint sub-contractors and start the work identified as part of this report.

### 5. Comments from Director of Finance and Legal Services

#### Financial implications

5.1 The trend in setting Capital Programmes in recent years has been marked by tight restrictions on the ability to invest in capital schemes and programmes of maintenance. Capital Programme decisions have focussed on the delivery of approved schemes that have already started, on grant funded schemes and on minimum levels of investment in infrastructure (property, highways and ICT). A highways capital investment budget of £2m was approved in the December 2009 budget report alongside other specific highways budgets of over £8m covering the A45 and the Local Transport Plan.

5.2 Given the stated intention to increase the prioritisation of highways repairs, the Directors of Finance and Legal Services and City Services and Development have analysed current budgets and reserve balances to identify funding sources for the additional expenditure required. **£2m** of the additional spending is proposed to be funded from non-highways related sources as follows:

Funding Source	£m	Description
Insurance Reserve	0.5	Use £0.5m of this £6.4m reserve which it is judged will not compromise the Council's insurance arrangements. Improving the state of the Council's roads will help manage the level of future insurance claims.
2009/10 Outturn Underspend	0.5	The 2009/10 Revenue and Capital Outturn to Cabinet on 22 <sup>nd</sup> June 2010 sets aside £0.5m for this purpose.
Management of Capital Programme	0.5	The 2010/11 Capital Programme is £77m. This £0.5m is an additional call on overall capital resources but one that can be managed this year through the rescheduling of spend in the rest of the overall programme.
2010/11 Allocation for Budgetary Control Pressures	0.5	Use £0.5m of the £1.5m contingency set aside in the 2010/11 budget for emerging spending pressures.
<b>Total</b>	<b>2.0</b>	

5.3 It is also proposed that £1m of additional spending is funded from existing Highways Capital Programme schemes in the table below. With the exception of the Swanswell scheme, these projects all formed part of the Highways Transportation and Maintenance Report to Cabinet on 30<sup>th</sup> March 2010.

Scheme Reductions	£m	Implication
Gosford Street	0.1	Reduced scope of enhancement works (from £475k to £375k) in association with Coventry University
Local Safety Schemes	0.1	Reduce number of schemes. Funding to reduce from £350k to £250k.
Pedestrian Facilities	0.1	Reduction in budget for dropped kerbs and tactiles from £700k to £600k
Cycling	0.1	Reduce budget from £230k to £130k, delete quick win schemes and focus all cycle money on maintenance
Stoney Stanton Road	0.15	Reduce integrated scheme from £500k to £350k, retaining signalling and safety work and funding maintenance elements from existing maintenance budgets.
Safe Routes to School	0.1	Reduce budget from £200k to £100k.
Broadgate Preparation	0.05	Reduce budget from £100k to £50k and focus on bus movement and stopping patterns in and around the city centre only.
Residents Parking	0.05	Reduce budget from £135k to £85k retaining Walsgrave and Hillfields schemes but not Cheylosmore.
Swanswell	0.25	Unused resources from previously approved Swanswell project
<b>Total</b>	<b>1.0</b>	

5.4 The total sum of £3m represents an overall increase in the Capital programme of £2m and virement from other schemes of a further £1m. Council approval is required for these changes.

5.5 The majority of the work required will be delivered by external sub-contractors. These will be appointed via a new framework contract set up in line with the Council's Standing Orders and Procurement Board arrangements.

#### **5.6 Legal implications**

The Highways Act 1980 imposes a duty upon the Council as highway authority to maintain its roads and transport systems.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the council's key objectives/corporate priorities (corporate plan/scorecard)/organisational blueprint/LAA (or Coventry SCS)?**

The overall highways programme contributes to a range of the Council's objectives and priorities as set out in the Transportation and Maintenance Report to Cabinet on 30<sup>th</sup> March 2010. The focus of the work outlined in this report is more closely aligned with the need to improve the city's basic highways infrastructure. The intention is to remove the most serious potholes and defects in the city's roads and improve the experience of Coventry's road users.

##### **6.2 How is risk being managed?**

The transport and maintenance capital programme is being managed through a series of project boards reporting to a programme board. Each of the maintenance treatments has a dedicated project manager whose job it is to oversee the successful implementation of that particular scheme. They will meet with their project team on the minimum of a monthly basis to ensure all risks are addressed and escalated or mitigated where appropriate. The role of the programme board will be to ensure that the capital programme is managed as a whole and that any slippage or overspend can be covered by another part of the programme.

##### **6.3 What is the impact on the organisation?**

No further implications.

##### **6.4 Equalities / EIA**

No further implications.

##### **6.5 Implications for (or impact on) the environment**

The changes to the existing programme outlined in section 5.3 will partly reduce the planned beneficial impact on the environment of those schemes designed to encourage sustainable forms of travel such as walking and cycling.

##### **6.6 Implications for partner organisations?**

The proposed programme will have a positive impact on the community as a whole through the infrastructure improvements outlined.

**Report author(s): Paul Jennings**

**Name and job title:  
Finance Manager (Corporate Finance)**

**Directorate: Finance and Legal Services (FLS)**

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Cllr Harvard	Cabinet Member (City Services)		3/6/10	4/6/10

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**NOTE: CHANGES MADE TO THIS REPORT FOLLOWING CABINET ON 15<sup>TH</sup> JUNE 2010  
HAVE BEEN HIGHLIGHTED**

Cabinet  
Council

15 June 2010  
24<sup>th</sup> June 2010

**Name of Cabinet Member:**

Cabinet Member (Corporate and Neighbourhood Services) - Councillor Townshend

**Director Approving Submission of the report:**

Director of Customer and Workforce Services

**Ward(s) affected:**

N/A

**Title:**

**Review of Delegated Cabinet Member Decisions 2004 to 2010**

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**Is this a key decision?**

No

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**Executive Summary:**

Cabinet members are able to delegate powers to officers as set out in Part 3.8 of the Constitution - Functions Delegated to Employees.

A review has been undertaken of decisions made by Cabinet Members to delegate powers between 2004 and 2010. The results of this review are presented within this report to enable the Cabinet to decide which of these should be retained as delegated powers and which removed from the Scheme of Delegation to officers and revert to the Cabinet Member.

**Recommendations:**

The Cabinet is asked to:

- 1.1 Decide which of the powers delegated by Cabinet Members between 2004-2010 (in Appendix A) should be removed from the Scheme of Delegation to officers and revert to the Cabinet Member.
- 1.2 Endorse the amended Scheme of Delegation to officers being submitted to Council for approval

The Council are requested to approve the Scheme of Delegation to officers.

**List of Appendices included:**

Appendix A:  
Cabinet Member Delegated Decisions 2004 - 2010

**Other useful background papers:**

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

Yes

24<sup>th</sup> June 2010

**Report title:**

**Review of Delegated Cabinet Member Decisions 2004 to 2010**

**1. Context (or background)**

- 1.1 Cabinet Members are able to delegate powers to officers, in accordance with the Constitution - section 4.4.3 (a). This states that 'Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.' The functions which can be carried out by officers are contained within Part 3.8 of the Constitution – Functions Delegated to Employees. The original holder of any powers is still able to exercise those powers.
- 1.2 In May 2010, the Leader requested a review of the decisions made by Cabinet Members between 2004 and 2010. Between 2004 and 2010, 19 decisions were delegated to officers by Cabinet Members. These additional delegated powers were added to the Constitution in Part 3.8 - Functions Delegated to Employees. If the Cabinet decides to delete some of these delegated powers, the revised Part 3.8 Functions Delegated to Employees will need to be submitted to Council for approval

**2. Options considered and recommended proposal**

- 2.1 A total of 19 decisions were delegated by Cabinet Members to officers between 2004 and 2010. These are listed by current Cabinet portfolio in Appendix A. For some Cabinet portfolios, there have been no powers delegated to officers at Cabinet Member meetings. These powers are now contained within the Functions Delegated to Employees, in Part 3.8 of the Constitution where appropriate.
- 2.2 The Cabinet is invited to advise on whether any of these delegated powers should be removed from the Functions Delegated to Employees, Part 3.8 of the Constitution and revert to the Cabinet Member..
- 2.3 Cabinet Members have been consulted by their relevant Director about the powers which had been delegated to officers between 2004 and 2010. Following on from these discussions with Cabinet Members, it is proposed that a number of the delegated powers are to be removed from the Scheme of Delegation, as shown in Appendix A.
- 2.4 These proposed changes to the Scheme of Delegation (Functions Delegated to Employees) need to be submitted to Council for approval. The revised delegations would take effect immediately following the approval by Council.
- 2.5 Where reports delegating powers listed in Appendix A are shown as "pending" a verbal update will be provided at the meeting in order for a decision to be made

**3. Results of consultation undertaken**

- 3.1 Consultation on the powers which had been delegated to officers between 2004 and 2010 has taken place with the Leader, Deputy Leader, relevant Cabinet Members and Directors. From these discussions, it has been agreed with Cabinet Members those specific

delegated powers which are to be removed from the Scheme of Delegation and revert to the Cabinet Member. These have been identified and are shown in Appendix A.

#### **4. Timetable for implementing this decision**

- 4.1 Those delegated powers which are to be removed will need also to be submitted to the Council for approval

#### **5. Comments from Director of Finance and Legal Services**

##### **5.1 Financial implications**

Several of the powers delegated contain finance related decisions (e.g. write offs), however no additional funding requests will result from the delegation process alone and decisions are made within the constraints of existing financial resources.

##### **5.2 Legal implications**

Within the Constitution, Cabinet Members are able to delegate powers to officers, at any of their meetings, as set out in section 4.4.3 (a). This states that 'Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.' The original holder of any powers is still able to exercise those powers. The functions which can be carried out by officers are contained within Part 3.8 of the Constitution – Functions Delegated to Employees. The Cabinet Member or Cabinet may revise these powers delegated at any time.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?**

The changes to the Scheme of Delegation will enable greater transparency in decision making for the relevant Cabinet portfolios, and increase accountability.

##### **6.2 How is risk being managed?**

The change in decision making powers is being recorded in the appropriate place in the Constitution and will be relayed to all senior officers immediately prior to it coming into effect.

##### **6.3 What is the impact on the organisation?**

There will be a minor impact on the organisation in terms of the processes officers and members follow to ensure decisions are made and recorded. There will be a zero net effect in terms of time and money.

##### **6.4 Equalities / EIA**

No EIA has been carried out for this report; an EIA is not considered necessary for this report.

##### **6.5 Implications for (or impact on) the environment**

There are no implications for the environment.

##### **6.6 Implications for partner organisations?**

There are no implications for partner organisations.

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Members: Cllr Townshend	Cabinet Member	Customer and Neighbourhood Services	4/6/10	7/06/10
Cllr Duggins	Deputy Leader		4/6/10	7/06/10

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## Decisions to delegate powers to officers by Cabinet Members 2004 to 2010

The Cabinet Member meeting minutes have been reviewed by officers to identify decisions by Cabinet Members which delegated powers to Officers and a total of 19 have been identified. These have been grouped by current Cabinet Members as below.

Officers have also undertaken a due diligence review of any outstanding decisions requiring Cabinet Member approval and confirmed there are no further delegation decisions to be brought back to Cabinet.

### Cabinet Member (Strategic Finance and Resources)

Date:	Title:
21 <sup>st</sup> January, 2009	Delegated Write Off's 2007/08 ( <i>delegation to be continued</i> )
25 <sup>th</sup> April, 2007	Changes to standing lists of Contractors ( <i>delegation to be continued</i> )
10 <sup>th</sup> November, 2004	Delegated authority for bankruptcy work ( <i>delegation to be continued</i> )

*The Director has discussed these with the Cabinet Member and agreed that these delegations will be continued.*

### Cabinet Member (Children and Young People)

NIL

### Cabinet Member (Education)

NIL

### Cabinet Member (City Development)

Date:	Title:
2 <sup>nd</sup> April, 2009	Updating Scheme of Delegations for Property Matters ( <i>delegation to be continued with the limit reduced from £150,000 to £50,000</i> )

### Cabinet Member (City Services)

Date:	Title:
25 <sup>th</sup> February, 2010	Additional delegated powers for assistant director (Highways) ( <i>delegation to be continued</i> )
22 <sup>nd</sup> January, 2009	Illegal Money Lending – Continuation of Regional Enforcement Team ( <i>pending</i> )
28 <sup>th</sup> February, 2008	Implementation of Traffic Management Act 2004 – Part 6 ( <i>delegation to be continued</i> )
18 <sup>th</sup> September, 2008	Proposed continuation of the West Midlands Scambusters Team ( <i>pending</i> )
29 <sup>th</sup> January, 2008	Paragon Park Redevelopment and Proposed Relocation of European Metals Recycling Ltd (EMR) - On 23 <sup>rd</sup> April 2008 Scrutiny Co-ordination Committee recommended that Cabinet disregard the relocation of

European Metals Ltd (EMR) to land in Oban Road, a decision Cabinet had made on 29<sup>th</sup> January, 2008. This recommendation has not been considered by Cabinet, as required by the Councils constitution.

Since Cabinet and Scrutiny Board made their respective decisions, the developer of Paragon Park has secured planning permission for the redevelopment of this site leaving EMR in situ, and removing the requirement to relocate them to Oban Road.

Accordingly, the Leader is recommended to accept Scrutiny Board's recommendation and withdraw the authority granted at the Cabinet meeting on 29<sup>th</sup> January 2008 (*delegation to be removed*)

22<sup>nd</sup> February, 2007

Health Act 2006 – Introduction of Smoke Free Workplaces (*pending*)

27<sup>th</sup> July, 2006

Delegating powers to authorise prosecutions under section 33 of the Environmental Protection Act 1990 (*delegation to be continued*)

13<sup>th</sup> July, 2006

Domestic Footway Crossing Policy (*delegation to be removed*)

9<sup>th</sup> March 2006

Delegation of Authority – Criminal Justice Act 1998 (*pending*)

17<sup>th</sup> November, 2005

Delegation of Authority – Licensing Act 2003 (*pending*)

#### Cabinet Member (Housing, Sustainability and Local Infrastructure)

NIL

#### Cabinet Member (Community Services)

Date:

Title:

13<sup>th</sup> April, 2010

Development of former City Farm site and Leigh Street site into a sustainable community resource (*delegation to be deleted*)

24<sup>th</sup> June, 2008

Progress made with the implementation of the Learning Disabilities Joint Commissioning Plan (*delegation to be deleted*)

16<sup>th</sup> October, 2007

Progress with the implementation of the Joint Commissioning Plan (Learning Disabilities) associated procurement (*delegation to be deleted*)

11<sup>th</sup> October, 2005

Renewal of Standing List for Residential and Nursing Care – Older People and Adults (with Learning Disabilities, Physical Disabilities and Mental Health) (*delegation to be continued*)

15<sup>th</sup> March, 2005

Renewal of Standing List for Domiciliary Care Services – Older People and Adults (with Learning Disabilities and Physical Disabilities) (*delegation to be continued*)

*The Assistant Director has met with the Cabinet Member and agreed the above*

#### Cabinet Member (Culture, Leisure, Sport and Libraries)

NIL

#### Cabinet Member (Corporate and Neighbourhood Services)

NIL