



Coventry City Council

Council Meeting

6th December 2011

Booklet 2

Recommendations

INDEX TO MINUTES

Cabinet, 29th November 2011

CABINET

29th November 2011

Cabinet Members

Present: -

Councillor Mrs Bigham
Councillor Clifford
Councillor Duggins (Deputy Chair)
Councillor Harvard
Councillor Kelly
Councillor A. Khan
Councillor J. Mutton (Chair)
Councillor O'Boyle
Councillor Townshend

Non-Voting Opposition

Representatives present:- Councillor Blundell
Councillor Foster

Other Members present:

Councillor Bailey
Councillor Gazey
Councillor Mrs Lucas
Councillor M Mutton
Councillor Welsh

Employees Present:-

P. Barnett (Chief Executive's Directorate)
S. Brake (Community Services Directorate)
F. Collingham (Chief Executive's Directorate)
C. Dear (Chief Executive's Directorate)
J. Evans (Finance and Legal Services Directorate)
C. Forde (Finance and Legal Services Directorate)
M. Godfrey (Community Services Directorate)
C. Green (Director of Children, Learning and Young People)
D. Haley (Children, Learning and Young People's Directorate)
G. Holmes (Chief Executive's Directorate)
S. Iannantuoni (Customer and Workforce Services Directorate)
R. Innes (Community Services Directorate)
P. Jennings (Finance and Legal Services Directorate)
L. Knight (Customer and Workforce Services Directorate)
G. Makin (Community Services Directorate)
B. Messenger (Director of Customer and Workforce Services)
J. Moynihan (Chief Executive's Directorate)
J. Parry (Chief Executive's Directorate)
H. Peacocke (Customer and Workforce Services Directorate)
M. Reeves (Chief Executive)
C. Steele (Chief Executive's Directorate)
J. Venn (Chief Executive's Directorate)
C. Wainwright (Children, Learning and Young People's Directorate)
C. West (Director of Finance and Legal Services)
M. Yardley (Director of City Services and Development)

Apologies

Councillor Ruane
Councillor Skipper

RECOMMENDATIONS

79. Declarations of Interest

Councillors Blundell and Foster declared interests in the matter referred to in Minute 86 below. As their interests arose from being Council appointed representative on school Governing Bodies, they were not considered prejudicial.

82. Care Quality Commission Proposals for their Judgement Framework and Enforcement Policy – Consultation Response

The Cabinet considered a report of the Director of Community Services, which detailed the Council's proposed response to the Care Quality Commission's public consultation on proposals for changes to their Judgement Framework and Enforcement Policy.

The proposals under consultation aim to simplify and strengthen the regulatory model while reducing the burden on providers who comply with the essential standards. The proposals were in response to the Government's aim to strengthen the role of the Care Quality Commission so that the focus was on its 'core business' of registering providers against the essential standards of quality and safety and to monitor and inspect providers to make sure that the essential standards are being met and to take action where they are not. The changes to areas of the Care Quality Commission's existing guidance was presented as 'raising the bar' in terms of approach by inspection being more targeted and focusing on where providers were not meeting the required standards; moving from a focus on compliance to identifying and taking action on non-compliance.

The proposed response to the consultation welcomed the commitment to more frequent inspections and supported the attempt to distinguish more clearly between compliant and non-compliant providers. However, the Council viewed the proposed shift in the regulator's focus on to non-compliant providers as eroding the expectation on providers to commit to continuous improvement and believed that compliant providers would not be incentivised to invest in excellence as this would not be recognised by the regulator. In addition, the Council were of the view that other than 'compliant' or 'non-compliant', there would be no easily identifiable measure for the range of quality in the market, impacting on the information customers have to make their choices.

The report had also been considered by the Health and Social Care Scrutiny Board (Scrutiny Board 5), at their meeting on 7th November 2011. A briefing note outlining the views of Scrutiny Board 5 was appended to the report. The Cabinet noted that, following the Scrutiny Board 5 meeting, the proposed response had been amended to further strengthen the Council's view.

RESOLVED that, after due consideration of the options and proposals contained in the report, the issues raised by Scrutiny Board 5 and matters referred to at the meeting, the Cabinet recommend that Council approve the proposed consultation response.

83. Response to Department for Culture, Media and Sport (DCMS) Consultation Proposal to examine the Deregulation of Schedule One of the Licensing Act 2003

The Cabinet considered a report of the Director of Community Services, which detailed the Council's proposed response to the Department for Culture, Media and Sport (DCMS) consultation on proposals to remove the licensing requirement for activities currently defined as Regulated Entertainment in Schedule One of the Licensing Act 2003.

The Coalition Government had made a commitment to remove red tape affecting live music in small venues as part of the Growth Review. They had suggested that removing the need for proactive licensing for regulated entertainment could provide a great boost for community organisations, charities, cultural and sporting organisations, for artists and performers, for entertainment venues, and for those local institutions that are for the heart of every community, such as parent/teacher organisations, schools and hospitals.

The consultation intended to retain the licensing requirements for any performance of live music, theatre, dance and recorded music, indoor sport or exhibition of film where the audience was of 5,000 people or more; boxing and wrestling; and any performance of dance that may be classed as sexual entertainment, but was exempt from separate sexual entertainment venue regulations. There were no proposals to remove Late Night Refreshment as a licensable activity. The Government was not proposing any time related cut off for entertainment which was to be deregulated from the 2003 Act, which meant that live music and other entertainment could continue until such time as the organiser sees fit.

The Cabinet noted that there were currently only four venues within the city that were licensed for an audience of 5,000 people or more, namely the Godiva Festival, the War Memorial Park general licence, Broadgate and the Ricoh Arena.

Whilst welcoming the intention to remove red tape for local institutions detailed above, the report indicated that the proposals to remove the requirement to be licensed where the audience was less than 5,000 was of concern. It was anticipated that the income from the processing of licence applications and annual fees may fall but that there would also be an increase in the number of noise complaints which would require investigation which may also lead to an increase in the number of licence reviews called for.

A full response to each of the 48 questions within the consultation document was provided at Appendix B of the report and outlined the Council's concerns regarding the proposals.

The Cabinet noted that the report had also been considered by the Licensing and Regulatory Committee at their meeting on 1st November 2011 and the Environment and Community Safety Scrutiny Board (Scrutiny Board 4). A briefing note from each meeting was appended to the report and detailed the views of the Committee and Board.

RESOLVED that, after due consideration of the options and proposals contained in the report, the issues raised by the Licensing and Regulatory Committee and Scrutiny Board 5, and matters referred to at the meeting, the Cabinet recommend that Council approve the consultation response.

84. Government Consultation – Responding to the Technical Reforms of Council Tax Consultation Document

The Cabinet considered a report of the Director of Finance and Legal Services, which detailed the Council's proposed response to the Department for Communities and Local Government (DCLG) consultation on technical reforms of council tax.

The consultation sought views on a number of proposed changes to the council tax system which included giving Council's greater discretion over the reliefs to apply for second homes and empty properties. The consultation also invited views on whether the establishment of an empty homes premium would help to reduce the numbers of unoccupied properties.

The consultation posed 22 specific questions within the key themes of second homes; uninhabitable empty homes; unfurnished empty homes; repossessions; empty homes premium; payment by instalments; solar panels and annexes to dwellings.

The proposed response was generally supportive of the proposals outlined within the consultation document on the basis that the changes broadly would provide councils with greater discretion over the application of council tax relief. The Council supported the proposal to introduce an empty property premium which would provide an effective tool in reducing the number of unoccupied properties and help to improve the overall provision of housing within the city. The full proposed response was appended to the report submitted.

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 Council approve the proposed response to the Technical Reforms of Council Tax consultation as set out in Appendix 1.

85. Consultation on Proposed Changes to Local Government Employee Pension Arrangements

The Cabinet considered a joint report of the Director of Customer and Workforce Services and the Director of Finance and Legal Services, which detailed the Council's proposed response to a consultation document on proposed revisions to the Local Government Pension Scheme.

The Government issued a consultation document on proposed revisions to the Local Government Pension Scheme (LGPS) on 7th October 2011. The proposals within the consultation document would mean significant changes to the scheme, the level of pension contributions and the rate at which benefits were accrued for thousands of City Council employees.

The Cabinet noted that many Council employees will earn modest pensions upon retirement even within the existing superannuation arrangements and if the Council wants to continue to be perceived as a good employer then it should be looking to protect the interests of those employees.

The LGPS was recognised as an important part of the overall remuneration package that the Council was able to offer, particularly in those areas where salaries may not be comparable with the private sector. For the Council to continue to attract high quality candidates into the organisation the pension arrangements on offer need to be an attractive component of the overall package.

The Cabinet were advised that there was a risk that individuals would perceive that it was no longer worth being a member of the LGPS and should there be a high level of opt out from the scheme, this could threaten its future viability.

As part of the West Midlands Pension Fund, the Council had responsibilities for overseeing the Governance and financial management of the fund. In particular, it could not afford to pay ever increasing employer superannuation contributions and should seek to ensure that a balanced set of measures was on offer to cap the overall cost in the future. It was considered that the proposed response to the consultation was designed to ensure that future pension arrangements were robust, well-balanced, equitable and affordable.

The Director of Finance and Legal Services reported at the meeting that, due to the rapidly changing position in relation to the proposed pension revisions by Government, it may be necessary to amend the proposed response prior to its consideration at full Council, and that any such amendments would be clearly identified and reported.

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 Council approve the consultation response.

86. The City Council's Policy on Local Authority maintained Schools converting to Academy Status and the City Council's principles for working with Academies, Free Schools and University Technical Colleges

The Cabinet considered a report of the Director of Children, Learning and Young People, which outlined the proposed policy on Local Authority maintained schools converting to Academy status and the establishment of University Technology Colleges and Free Schools.

Under the previous Government, conversion to Academy status was used as a strategy to improve under-performing schools or where capital investment was required to refurbish or open a new school. Under this policy Woodway Park converted to Grace Academy and Sidney Stringer School became Sidney Stringer Academy. An Academy would no longer be maintained by the Local Authority and would become accountable to the Academy sponsors or Academy Governors.

The current coalition Government's policy, through the Academies Act 2010, was significantly different in purpose and in process for gaining Academy status. The current policy was to enable all maintained secondary and primary schools to stop being Local Authority controlled schools and become Academies, independent of the Local Authority. Schools would apply directly to the Department for Education (DfE) who would be the decision maker. There was no requirement to consult with the Local Authority and the Local Authority would have no decision making role or power of veto. The Local Authority was required by the DfE to facilitate land and asset transfer arrangements on a 125 year lease.

The Academies Act 2010 allowed the Secretary of State to require under-performing schools that were eligible for intervention to convert to Academies. In law schools that were eligible for intervention were those in Special Measures, subject to a Notice to Improve or in default of a Statutory Warning Notice issued by the Local Authority. The Education Bill 2011 (currently at Committee Stage, House of Lords) would, if passed, extend the option to convert to Academy status to post 16 education and to schools that offer alternative provision, including special schools and pupil referral units. There was pressure on Local Authorities to convert schools that were not achieving the Government's floor standards to Academies. This was either as a sponsored Academy or with a partner Academy that was outstanding or good, including secondary schools partnering with primary schools.

The Cabinet noted that there were 8 secondary Academies in Coventry; Grace, Sidney Stringer, Whitley Abbey, Blue Coat, Finham, Tile Hill Wood, Westwood and Woodlands. No Primary or Special Schools had applied to become Academies and there was little interest from primary and special schools in pursuing Academy status.

The report detailed four options in relation to the conversion of Local Authority maintained schools converting to Academies, these being in summary to support the conversion; to neither oppose nor support the conversion; to oppose the conversion; or to oppose the forced conversion of LA maintained schools to Academies and encourage other maintained schools to remain part of the Local Authority family of schools and to oppose the establishment of University Technology Colleges and Free Schools in the City.

The recommended option was option 4, to oppose the forced conversion of LA maintained schools to Academies and encourage other maintained schools to remain part of the Local Authority family of schools and to oppose the establishment of University Technology Colleges and Free Schools in the City.

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 Council:-

- 1. Adopt option 4 and oppose the forced conversion of Local Authority maintained Schools to Academies.**
- 2. Publish a statement to all Coventry School Governing Bodies and Headteachers outlining the reasons for the City Council's concerns about maintained schools converting to Academy status and re-iterating the benefits of being part of the Local Authority family of schools.**
- 3. Continue to maintain strong and effective partnership working between the Local Authority and schools that have converted to Academies and continue to promote and facilitate structures that enable strong school to school collaboration. This will support the City Council delivering its statutory responsibilities as an advocate and champion for all children and young people across the City, enable the Local Authority to strategically plan and manage education provision and deliver the City's Educational Improvement Strategy.**
- 4. Oppose the imposed conversion of any under-performing school to an Academy and propose alternative structures, including formal governance arrangements through hard and soft federations and stronger school to school collaborations, including with the City's Teaching School.**
- 5. Request that the Governing Body of each Academy in Coventry has at least one Local Authority Governor as part of the Governing Body's membership and constitution.**
- 6. Request that Governing Bodies of Academies formally sign up to the principles of working in partnership with the Local Authority, including their commitment to the agreed priorities of the Overcoming Barriers to Learning Strategy.**
- 7. Request that the Assistant Director: Education and Learning or his representative attend a meeting of every school Governing Body where Academy Conversion is under discussion. The purpose of this is to present the reasons why the City Council is not in favour of maintained schools changing their structural arrangements and to outline the implications for the school and the City, particularly regarding transfer of assets, finance and access to services. It will also set out any impact on investment in capital programmes or any co-location proposals.**

Meeting closed at: 3.05 pm