

COUNCIL OF THE CITY OF COVENTRY

6th December 2011

PRESENT

Lord Mayor (Councillor Mulhall)

Deputy Lord Mayor (Councillor Sawdon)

| | |
|--------------------------|---------------------------|
| Councillor Abbott | Councillor Lancaster |
| Councillor Andrews | Councillor Lapsa |
| Councillor Bailey | Councillor Mrs Lepoidevin |
| Councillor Bains | Councillor Mrs Lucas |
| Councillor Mrs. Bigham | Councillor McNicholas |
| Councillor Blundell | Councillor Maton |
| Councillor Chater | Councillor Miks |
| Councillor Clifford | Councillor J. Mutton |
| Councillor Crookes | Councillor Mrs. M. Mutton |
| Councillor Mrs. Dixon | Councillor Nellist |
| Councillor Duggins | Councillor Noonan |
| Councillor Field | Councillor O'Boyle |
| Councillor Mrs Fletcher | Councillor Ridley |
| Councillor Foster | Councillor Ruane |
| Councillor Gannon | Councillor Sandy |
| Councillor Gazey | Councillor Sehmi |
| Councillor Hammon | Councillor Singh |
| Councillor Harvard | Councillor Skinner |
| Councillor Mrs Hetherton | Councillor Skipper |
| Councillor Mrs Johnson | Councillor Mrs Sweet |
| Councillor Kelly | Councillor Taylor |
| Councillor Kershaw | Councillor Townshend |
| Councillor A. Khan | Councillor Walsh |
| Councillor T. Khan | Councillor Welsh |
| Councillor Lakha | Councillor Williams |

Apologies: Councillor Auluck
Councillor Howells

Public Business

75. Minutes

The minutes of the meeting held on 18th October 2011, were agreed as a true record.

76. Exclusion of Press and Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the item of business indicated below on the grounds that this item involves the likely disclosure of exempt information as defined in the Paragraphs of Part I of Schedule 12A of that Act as indicated.

| Minute No. | Subject | Relevant Paragraphs(s) of Part 1 of Schedule 12A |
|------------|---|--|
| 90 | Coventry 2012 – Confirmation of Full Programme of Works | 3 |

77. Coventry Good Citizen Award

On behalf of the Council, the Lord Mayor and his Honour Judge Griffith-Jones, the Honorary Recorder, presented Ms Tracey Pearson with the Coventry Good Citizen Award. Their citation read:

"Tracey Pearson has the golden touch when it comes to fund-raising – having raised over £50,000 for charitable causes in the last 18 years.

Tracey opens up her home and organises raffles and bring and buy stalls and also provides refreshments – and in 2010 she managed to raise over £500 in just one day for the Lord Mayor's charities.

She is a member of the congregation at the United Reformed Church, Foleshill Road and is continually raising funds for the upkeep of the church. In the past the events that she has organised has enabled the purchase of new chairs and wrought iron gates for the car park.

At Christmas time, she organises the collection of shoeboxes to be filled with toys and goodies for orphaned and underprivileged children living in developing countries.

Tracey sings in the church choir and regularly stars in their theatrical performances, is a part-time secretary at Little Heath Primary school, having previously been a governor, but still finds the energy to look after her husband and two teenage children.

Tracey lives her life to the full and does not let illness get in the way of doing something to make life better for others. She deserves to be called a good Citizen of Coventry."

78. Petitions

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

- (a) **Concern about traffic movements around Cambridge Street Mosque when the Madrash is open – 215 signatures, presented by Councillor O'Boyle.**
- (b) **Objection to the National Express Concessionary Fares Scheme closure – 215 signatures, presented by Councillor Welsh.**
- (c) **Requesting the installation of school gate barriers at the entrances onto busy roads at St James Lane and Middleride – 48 signatures, presented by Councillor Chater**
- (d) **Request to campaign in force to the Government to reinstate cuts in funds to our City and provide a guarantee of a job, training or free education to young people – Give Youth a Future – 182 signatures, presented by Councillor Nellist.**
- (e) **Request to make use of land bordered by Hill Street and Bond Street, such as a pocket park, whilst it is not being developed – 141 signatures, presented by Councillor Nellist.**
- (f) **Request for traffic calming on Tennyson Road – 108 signatures, presented by Councillor Miks.**

79. Declarations of Interest

The following Members declared interests as follows:

Interests in Recommendations for the Council

Personal Interests

Minutes 80 and 90 (Coventry 2012 – Confirmation of Full Programme of Works)):

Councillor Hammon (owns properties in Spon Street)

Minute 81 (Care Quality Commission Proposals for their Judgement Framework and Enforcement Policy – Consultation Response)

Councillor Williams (wife works as a carer)

Minute 83 (Government Consultation – Responding to the Technical Reforms of Council Tax Consultation):

Councillor Foster (friend with a vacant property)

Councillor Hammon (owns a second home)

Minute 84 (Consultation Response: Local Government Pension Scheme):

Councillor Mrs Fletcher (has a Local Government pension)
Councillor Gazey (receives a Local Government pension)
Councillor Mrs Johnson (receives a Local Government pension)
Councillor Lepoidevin (receives a Local Government pension)
Councillor J Mutton (receives a Local Government pension)
Councillor Williams (member of Local Government pension scheme)

Minute 85 (The City Council's Policy on Local Authority Maintained Schools
Converting to Academy Status and the Establishment of University Technology
Colleges and Free Schools):

Councillor Field (relative is a teacher)
Councillor Nellist (relative is a teacher)
Councillor Skipper (relative is a teacher)

All Councillors present excluding those detailed below, declared interests as Council appointed Governors at schools within the City:-

Councillor Bailey
Councillor T. Khan
Councillor O'Boyle
Councillor Sawdon
Councillor Skinner

80 Coventry 2012 – Confirmation of Full Programme of Works

Further to Minute 75/11 of the Cabinet, the Council considered a report of the Director of City Services and Development, which examined options for funding the additional works in respect of the Coventry 2012 programme. A corresponding private report detailing financially confidential aspects of the proposal was also submitted to this meeting (minute 90 below refers)

The public response to, and the impact of the Coventry 2012 public realm works had led to a review of other potential works that could add to and build upon the impact of the works that were programmed and being undertaken. The report emphasised that the cost of the current programme was within approved resources but to meet the additional aspirations would require additional resources.

The approved programme included works in Broadgate (including the top of Trinity Street), Railway Station to Bull Yard, High Street, Council House Square and de-cluttering in Hales Street, Corporation Street and Queen Victoria Road.

A public consultation was undertaken in January 2011 immediately following Cabinet approval. In response to the feedback from the consultation, a number of significant changes were made to the design and scope of the Broadgate and Station to Bull Yard schemes. Inevitably, the consequence had been an increase in costs and, as a result, the schemes for High Street and Council Square were omitted from the first phase of works to allow the overall programme to remain within the approved budget.

Furthermore, as a result of the public consultation, a number of additional schemes had been proposed, which included pocket parks, further de-cluttering, improved way-finding within the city centre and further improvements to Jordan Well and Earl Street. The additional schemes were highlighted in Appendix A of the report submitted and provided an overview of costs after engineering and deliverability, with Appendix B providing a brief description of each scheme. Appendix C of the report showed the location and planned extent of all potential projects and demonstrated how the projects linked together. It was anticipated that the schemes had the potential to significantly enhance the core Coventry 2012 projects and would help to deliver a coherent traffic strategy across the city centre.

It was noted that, to stay within the approved budget (and due to the comments received as part of the public consultation), the Station to Bull Yard scheme had been reduced in scope. It was proposed that, if further funding became available, the full scope of this scheme would be restored.

In addition, the report examined options for funding the additional works without further borrowing and without affecting existing highways or transport programmes, along with options for managing the remaining shortfall.

RESOLVED that the City Council:

- 1. Delegate authority to the Leader in his capacity as Cabinet Member responsible for the Olympics, in consultation with relevant Cabinet Members and the Director of City Services and Development to develop the revised programme of works as set out in appendices A, B and C and upon their implementation subject to the availability of funding.**
 - 2. Delegate authority to the Director of City Services and Development to make the submission, if appropriate, of a supplementary application by the Council to the European Regional Development Fund for an extension to grant funding for the development of the Coventry 2012 programme.**
 - 3. Authorise the continuation of design works for the works set out in Appendix A ahead of full funding being available, provided that the costs remain within the budget approved pursuant to this report.**
- 81. Care Quality Commission Proposals for their Judgement Framework and Enforcement Policy – Consultation Response**

Further to Minute 82/11 of the Cabinet, the Council 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 report had also been considered by the Health and Care Scrutiny Board (Scrutiny Board 5) at their meeting on 7th November 2011 (their minute 40/11 refers).

The proposals under consultation aim to simplify and strengthen the regulatory model whilst 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 were being met and to take action where they were 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.

RESOLVED that the City Council approve the consultation response.

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

Further to Minute 83/11 of the Cabinet, the Council 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. It was 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) at their meeting held on 2nd November 2011 (their minutes 62/11 and 27/11 respectively refer).

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 requirement 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.

It was 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 as 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 processing of license applications and annual fees may fall but that there would 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 was provided at Appendix B of the report and outlined the Council's concerns regarding the proposals.

RESOLVED that the City Council approve the consultation response.

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

Further to Minute 84/11 of the Cabinet, the Council 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 including 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 reduce the numbers of unoccupied properties.

The consultation proposed 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 council's 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 the City Council approve the consultation response.

84. Consultation Response: Local Government Pension Scheme

Further to Minute 85/11 of the Cabinet, the Council 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 Cabinet Member (Strategic Finance and Resources) indicated that the Appendix to the report had been omitted but was available at the meeting for those wishing to have a copy.

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, the level of pension contributions and the rate at which benefits accrued for thousands of City Council employees.

It was noted that many Council employees would earn modest pensions upon retirement even within the existing superannuation arrangements and if the Council wanted 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 report indicated 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.

RESOLVED that the City Council approve the consultation response.

85. The City Council's Policy on Local Authority Maintained Schools Converting to Academy Status and the Establishment of University Technology Colleges Free Schools

Further to Minute 86/11 of the Cabinet, the Council 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.

It was 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 the City 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 reiterating 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.**

86. Annual Meeting of the Council 2012

The Council considered a report of the Director of Customer and Workforce Services, which sought approval to change the time of the next Annual Meeting of the Council from 11.00 a.m. to 12 Noon on Thursday, 17th May 2012.

The report indicated that, unfortunately, due to a longstanding booking, Coventry Cathedral would be unavailable until 12 Noon on the day of the Annual Meeting.

RESOLVED that the City Council approve the change of time of the Annual Meeting of the Council from 11.00 a.m. to 12 Noon on Thursday, 17th May 2012.

87. Question Time

The appropriate Members provided a written response to all the questions set out in the Questions Booklet, together with an oral response to supplementary questions put to them at the meeting.

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

| No. | Question Asked By | Question Put To | Subject Matter |
|-----|----------------------|--|--|
| 1. | Councillor Mrs Lucas | Councillor Welsh | How the cuts in the NHS will impact on health services in the City. |
| 2. | Councillor Blundell | Councillor Khan | Attendance at Heritage Trust meetings. |
| 3. | Councillor M. Mutton | Councillor Skipper | Disappointment that Coventry artist, George Shaw, failed to win the Turner Prize |
| 4. | Councillor Noonan | Councillor Kelly | Explanation on funding ringfenced for sports facilities at Whitley Abbey School following sale of playing fields and the timescale for the transfer of these funds to Whitley Academy. |
| 5. | Councillor Mrs Dixon | Councillor Kelly Councillor Duggins | Explain why Senior Leadership Team and Board of Governors at Caludon Castle Academy are encountering procrastination from LEA officers when seeking advice on Academy conversion. |

88. Statement by the Leader of the Council

There was no statement.

89. Debate – Future of Coventry's Children's Centres

The following motion was moved by Councillor Mrs Dixon, seconded by Councillor Noonan and lost:

"This Council recognises the current concern about the future of Coventry's Children's Centres, following the recent comments made by the Cabinet Member (Children and Young People), in the Coventry Telegraph about the proposed closure of six of them

This Council therefore commits itself to maintain access and availability to all those who currently, and in the future, may benefit from Children Centre services."

The following amended motion was moved by Councillor O'Boyle, seconded by Councillor M. Mutton, and carried:-

“This Council recognises the current concern about the funding challenges in Children's Services brought about by draconian government cuts adding up to £11million

The Council therefore commits itself to transform the service and protect children's centres as far as it can by utilising the Council's investment of £2.2million.”

RESOLVED that the amended motion as set out above be adopted.

Note: In respect of the above, a recorded vote was required in accordance with paragraph 4.1.71 of the City Council's Constitution. The Councillors voting for and against the amendment were as follows:

| <u>For</u> | <u>Against</u> | <u>Abstain</u> |
|-------------------------|---------------------------|----------------|
| Councillor Abbott | Councillor Andrews | |
| Councillor Mrs Bigham | Councillor Bailey | |
| Councillor Chater | Councillor Blundell | |
| Councillor Clifford | Councillor Crookes | |
| Councillor Duggins | Councillor Mrs Dixon | |
| Councillor Fletcher | Councillor Field | |
| Councillor Gannon | Councillor Foster | |
| Councillor Harvard | Councillor Gazey | |
| Councillor Heatherton | Councillor Hammon | |
| Councillor Kelly | Councillor Mrs Johnson | |
| Councillor Kershaw | Councillor Lapsa | |
| Councillor A. Khan | Councillor Mrs Lepoidevin | |
| Councillor T. Khan | Councillor Nellist | |
| Councillor Lakha | Councillor Noonan | |
| Councillor Ms Lancaster | Councillor Ridley | |
| Councillor Mrs Lucas | Councillor Sawdon | |
| Councillor McNicholas | Councillor Skinner | |
| Councillor Maton | Councillor Taylor | |
| Councillor Mrs Mijs | Councillor Williams | |
| Councillor J. Mutton | | |
| Councillor M. Mutton | | |
| Councillor O'Boyle | | |
| Councillor Ruane | | |
| Councillor Sandy | | |
| Councillor B. Singh | | |
| Councillor Singh Sehmi | | |
| Councillor Skipper | | |
| Councillor Mrs Sweet | | |
| Councillor Townshend | | |
| Councillor Walsh | | |
| Lord Mayor | | |
| Result: | 31 for | |
| | 19 against | |
| | 0 abstentions | |

Private Business

90 Coventry 2012 – Confirmation of Full Programme of Works

Further to Minute 80 above, and Minute 77 of the Cabinet, the Council considered a report of the Director of City Services and Development, which detailed financially confidential information in relation to the options for funding the additional works in respect of the Coventry 2012 programme.

RESOLVED that the Council approve the recommendations as set out in the report submitted.

Note: The item listed on the agenda at item 9.2, headed "Co-opted Member Appointment to Scrutiny Co-ordination Committee and Scrutiny Boards if Education Matters are to be considered" was withdrawn from the agenda at the meeting.

(Meeting closed: 7.20 p.m.)