

Coventry City Council
Minutes of the Meeting of Cabinet Member (Policing and Equalities) held at 2.00 pm on Thursday, 4 September 2014

Present:

Members: Councillor P Townshend (Chair)
 Councillor A Andrews (Shadow Cabinet Member)
 Councillor C Fletcher (Deputy Cabinet Member)

Employees (by Directorate):

S Bennett, Resources Directorate
C Dear, Chief Executive's Directorate
C Hickin, People Directorate
G Holmes, Resources Directorate
S Hutt, People Directorate
S Nagra, Chief Executive's Directorate

Public Business

21. Declarations of Interest

There were no declarations of interest.

22. Minutes

The minutes of the meeting held on 31st July, 2014 were signed as a true record.

(An amended set of minutes had been circulated prior to the meeting)

23. Dog Control Orders

The Cabinet member considered a report of the Executive director, People which indicated that during the last twelve months, the Council had received complaints concerning dogs in public places which were not adequately supervised by their owners. The City Council can adopt Dog Control Orders to assist in dealing with this issue and most neighbouring local authorities have taken this route.

The report explored the various "Orders" available and proposed that the City Council conduct a public consultation exercise to determine which "Orders" should be adopted and over which areas of land.

The Scrutiny Co-ordination Committee had considered this report at their meeting on 16th July, 2014, and a copy of a Briefing Note detailing the Committee's consideration of this issue was attached to the report. The Committee had welcomed the report and supported the recommendations on the approach to consultation on the adoption of the four additional Dog Control Orders and the increase in the level of the fixed penalty to £80 for breach of any of the Dog Control Orders, with provision for this to be reduced to £50 if paid within 10 days of issue. In addition, the Committee recommended that the Cabinet Member to:-

- a) Lobby the government to seek an increase in the maximum level of the fixed penalty notice for dog fouling, considering that it is a biohazard.
- b) Encourage local authorities to adopt the same policies in relation to dealing with irresponsible dog owners to ensure consistency of approach.

RESOLVED that the Cabinet Member (Policing and Equalities): -

1) In light of the recommendations made by the Scrutiny Co-ordination committee, agrees to: -

- a) Lobby the Government to seek an increase in the maximum level of the fixed penalty notice for dog fouling, considering that it is a biohazard and asks the Shadow Cabinet Member (Policing and Equalities) to write to the Government in similar terms.
- b) Encourage local authorities to adopt the same policies in relation to dealing with irresponsible dog owners to ensure consistency of approach.

2) Instructs Officers to publically consult: -

- a) On a proposal to adopt the following four Dog Control Orders (in addition to the current “Fouling of land by Dogs” Order): The Dogs on Leads Order; the Dogs on Leads by Direction Order; the Dogs (Specified Maximum) Order and the Dogs Exclusion Order.
- b) On the question of whether the five proposed Dog Control Orders should apply to all areas of the City or only some and if so which.

3) Approves the increase in the level of the fixed penalty to £80 for breach of any of the Dog Control Orders, with provision for this to be reduced to £50 if paid within 10 days of issue. This is an increase from the current level of £75, reduced to £50 if paid within 10 days of issue.

4) Requests that the findings of the public consultation be reported to a future meeting of the Cabinet Member (Policing and Equalities) on or before the Cabinet Member meeting scheduled for 18th December, 2014.

24. The storage of wheelie bins on pavements

The Cabinet Member considered a report of the Executive Director, People which indicated that, in some areas of the city the pavements are permanently obstructed by wheelie bins, which can cause a number of problems for the blind, disabled and parents with pushchairs. It also encourages fly tipping and makes the streets difficult to clean. These cluttered streets generate many customer complaints who claim that it makes their street look uncared for and also contributes to an area feeling unsafe.

The report detailed the following range of options, together with their advantages and disadvantages, for approaching this issue: -

1. "Care 4 Our Area"
2. City Wide Approach
3. City Wide but with strict qualifying criteria

The report recommended option 3 as a middle way between strict criteria for the "Care 4 Our Area" project and a whole City wide approach and suggested that the qualification criteria for this initiative should be where a particular street suffers 10- or more fly tips per annum (assuming the average road is 100m long and where the road is longer appropriate adjustments are made to this ruling), or at the discretion of the relevant Cabinet Member.

At the Cabinet Member meeting on 1st March 2011, permission was granted to use Fixed Penalty Notice enforcement where resident had failed to comply with a Notice issued under S.46 Environmental Protection Act 1990 directing that a wheelie bin should not be stored on the pavement. The issuing of a Fixed Penalty Notice was only permitted within the "Care 4 Our Area" and then only after reference to the Assistant Director responsible for this area of service and the relevant Cabinet Member.

The report recommended that, after the project is implemented, the following enforcement criteria should be applied: -

- a) First Offence: A notice is served under S.46 Environmental Protection Act 1990: the Notice clearly sets out what is expected. It would be served by hand on the occupier and any legitimate reasons or non-compliance would be ascertained at a face to face meeting.
- b) Second Offence: A Fixed Penalty Notice would be served by the Neighbourhood Enforcement Officer after reference to the relevant Assistant Director and the relevant Cabinet Member.

RESOLVED that the Cabinet Member (Policing and Equalities) instructs Officers to: -

- 1) Implement Option 3 detailed in the report to control the storage of wheelie bins on the pavement between refuse collections, using the stated fly tipping qualifications for a street's inclusion in this initiative, or at the discretion of the relevant Cabinet Member.**
- 2) Follow the proposed amended enforcement protocol, from that used in the "Care 4 Our Area" project, as detailed in the report, in tackling the storage of wheelie bins on the pavement between refuse collections.**

25. **Equality Strategy - Progress Report 2013/2014**

The Cabinet Member considered a report of the Chief Executive which indicated that the current Equality Strategy was approved in March 2013 and sets out how the Council complies with the Equality Act 2010. It also sets out the council's equality objectives which were linked to the priorities of the Council Plan 2011-14.

The new Council Plan was approved by Council in January 2013 and sets out the aspirations and priorities for the Council for the next ten years. Following this, the Council's equality measures and objectives were revised, details of which were outlined in the report, and the Cabinet Member had agreed that stakeholder groups be given the opportunity to comment on the revised objectives through a period of consultation up until the end of June 2014. No changes were made to the equality objectives following this consultation, however a number of equality measures had been set to monitor progress. An appendix to the report provided a half yearly progress report on the equality measures.

The Scrutiny Co-ordination had considered the report at their meeting on 3rd September, 2014 and a Briefing Note detailing their consideration of this issue, together with their support of the recommendations, was circulated at the meeting. The Committee had identified several areas of work for further review through Scrutiny Work Programmes, either as existing items of additional areas, and these were identified in the Briefing Note.

RESOLVED that the Cabinet Member (Policing and Equalities): -

- 1) Notes the Recommendations received from Scrutiny Co-ordination Committee.**
- 2) Notes the progress made on the equality measures set out in the Council Plan and compliments officers on the production of the Equality Strategy Progress Report 2013/14; and, whilst pleased with progress in some areas, notes with concern inadequacies in progress being made in other areas.**
- 3) Refers the report to the next available meeting of the Police and Crime Board for consideration.**
- 4) Directs that a copy of the Equality Strategy Progress Report be sent to all members of the Strategic Management Board and all Cabinet Members with a request that where there is inadequacies or poor performance in their areas of specific responsibilities, that they provide a report to the Cabinet Member (Policing and Equalities) and the Scrutiny Co-ordination Committee on or before 18th December 2014, indicating what action they will be taking to address such inadequacies and poor performance.**
- 5) Requests that a copy of the Recommendations be sent to the Chair of the Scrutiny Co-ordination Committee.**

26. **Use of Covert Surveillance of Employees Policy and Procedure**

The Cabinet Member considered a report of the Executive Director, Resources which provided an update on the use of the Policy and Procedure for the Covert Surveillance of Employees, which helps ensure that the Council complies with the Information Commissioner's "Employment Practices Code", the Data Protection Act 1988 and the Human Rights Act 1998.

Since its implementation, there have been no applications to use covert surveillance of employees. It was therefore proposed that a report on the number of applications received be considered by the relevant Cabinet Member on an annual, rather than six monthly basis and that where no applications were received within any 12 month period, the Assistant Director for Legal and Democratic Services, in consultation with the relevant Cabinet Member, can dispense with the need for a report.

RESOLVED that the Cabinet Member (Policing and Equalities): -

- 1) **Notes the position outlined in the report.**
- 2) **Requests that the Assistant Director (Legal and Democratic Services) submits a report to the relevant Cabinet Member that holds responsibility for this policy area on an annual basis, (or more frequently if the number of applications received increases significantly) identifying the number of applications, the total cost to the Local Authority of the surveillance and any other relevant issues.**
- 3) **Authorises the Assistant Director (Legal and Democratic Services) in consultation with the relevant Cabinet Member that holds responsibility for this policy area, to dispense with Recommendation 2) above, provided that no applications for the use of the covert surveillance are received within any 12 month period.**

27. **Outstanding Issues Report**

The Cabinet Member noted a report of the Executive Director, Resources that identified those issues on which further reports had been requested and were outstanding so that progress could be monitored.

28. **Any Other Business**

The Cabinet Member referred to a number of issues relating to the make-up and membership of the Appeals Committee, which had recently been brought to his attention.

RESOLVED that, in light of the concerns identified by the Cabinet Member (Policing and Equalities) in relation to the Appeals Committee, the Assistant Directors for Legal and Human Resources be requested to submit a report to the next meeting in 2nd October 2014 regarding this issue.

(Note: This item of business was considered as any other item of public business on the grounds of urgency, that being that the Cabinet Member required the submission of a report on this issue at his next meeting.)

(Meeting closed at 3.10 pm)