

### **Cabinet Member (Policing and Equalities)**

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**Time and Date**

2.00 pm on Thursday, 2nd October, 2014

**Place**

Committee Room 2 - Council House

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**Public Business**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 5 - 10)
  - (a) To agree the minutes of the Cabinet Member (Policing and Equalities) meeting held on 4<sup>th</sup> September, 2014.
  - (b) Matters arising
4. **Exclusion of Press and Public**

To consider whether to exclude the press and public for the item of private business for the reasons shown in the report.
5. **Report in response to a petition concerning a property in Earlsdon Ward** (Pages 11 - 16)

Report of the Executive Director People

NOTE: Councillor Andrews, an Earlsdon Ward Councillor and the petition organisers have been invited to the meeting for the consideration of this item.
6. **E- Petition - To save Coventry's Badgers from Culling** (Pages 17 - 22)

Report of the Executive Director, People

NOTE: The petition organiser has been invited to the meeting for the consideration of this item.
7. **Progress report in response to a petition asking the Council to improve the environment and security of the Hearsall Area of Coventry** (Pages 23 - 30)

Report of the Executive Director, People

NOTE: Councillors Howells and B Singh, Whoberley Ward Councillors and the petition organiser have been invited to the meeting for the consideration of this item.

8. **Progress report on action taken to improve security to open land at rear of 2-66 Brookside Avenue** (Pages 31 - 38)

Report of the Executive Director, People

NOTE: Councillor B Singh, a Whoberley Ward Councillor and the petition organiser have been invited to the meeting for the consideration of this item.

9. **Further report on petition requesting Whitefriars to address incidents of fly-tipping and anti-social behaviour on Whitefriar's land on corner of Keppel Street-Wright Street** (Pages 39 - 46)

Report of the Executive Director, People

NOTE: Councillor Akhtar, a St. Michaels Ward Councillor and the petition organiser have been invited to the meeting for the consideration of this item.

10. **Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses** (Pages 47 - 56)

Report of the Executive Director, People

11. **Annual Compliance Report - Regulatory & Investigatory Powers Act (RIPA)** (Pages 57 - 64)

Report of the Executive Director, Resources

12. **Change to the Constitution: Appointments to Appeals Committee** (Pages 65 - 72)

Report of the Executive Director, Resources

13. **Outstanding Issues Report** (Pages 73 - 78)

Report of the Executive Director, Resources

14. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

## **Private Business**

15. **Report in response to a petition concerning a property in Earsldon** (Pages 79 - 90)

Report of the Executive Director, People

NOTE: Councillor Andrews, an Earlsdon Ward Councillor, has been invited to the meeting for the consideration of this item.

**16. Any Other Business**

To consider any other items of private business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

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Chris West, Executive Director, Resources, Council House Coventry

Wednesday, 24 September 2014

Note: The person to contact about the agenda and documents for this meeting is Usha Patel, Tel: 024 7683 3198

Membership: Councillors C Fletcher (Deputy Cabinet Member) and P Townshend (Cabinet Member)

By invitation: Councillor A Andrews (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting  
OR if you would like this information in another format or  
language please contact us.

**Usha Patel**

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**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 31<sup>st</sup> 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 16<sup>th</sup> 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 18<sup>th</sup> 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 1<sup>st</sup> 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 3<sup>rd</sup> 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 18<sup>th</sup> 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 2<sup>nd</sup> 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)

2 October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing & Equalities) - Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, People

**Ward(s) affected:**

Earlsdon

**Title:**

**Report in response to a petition concerning a property in Earlsdon Ward**

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**Is this a key decision?**

No

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**Executive Summary:**

This report provides a response to a petition received on 3 July 2014 signed by 71 individuals who live in the Earlsdon Ward. The petition requested the City Council take action in relation to local residents' concerns regarding the poor condition of a property in Earlsdon Ward and the impact it is having on the surrounding neighbourhood.

This report details the measures that Officers are taking to address the residents' concerns

**Recommendations:**

The Cabinet Member is recommended to:

- (1) Endorse the action already taken and planned to address the conditions at this property.
- (2) Request a further report to be submitted to the Cabinet Member in four months detailing progress made at this property.

**List of Appendices included:**

None

**Other useful background papers:**

None

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

No,

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

No

**Will this report go to Council?**

No

**Report title:**

Report in response to a petition concerning a property in Earlsdon Ward

**1. Context (or background)**

- 1.1 A petition consisting of 71 signatures was received on 03 July 2014 from residents who live in Earlsdon. The petition requested the City Council take action in relation to local residents' concerns regarding the poor condition of a specific property in this ward. The specific issues highlighted in the petition were:
- The long term accumulation of excessive amounts of building materials at the property
  - The placement of CCTV cameras overlooking adjacent properties
  - The erection of an unsightly 2m wire fence to the front and rear of the property
- 1.2 In recent years the Council has taken a variety of enforcement actions and whilst these have achieved a degree of success, the condition of the property has once again deteriorated. A more concerted approach to the owner and the property is now underway.

**2. Options considered and recommended proposal**

- 2.1 The conditions at this particular property are well known to the City Council and whilst enforcement action has been taken, lasting improvements have not been achieved. The following measures are now being taken with the aim of finding a permanent solution.
- 2.2 **Accumulation of excessive building material and erection of metal fencing.** The occupier of this specific property has over a number of years acquired a significant quantity of building materials which are now stored on the property. The Planning Enforcement Team have recently sought and obtained permission from Planning Committee to serve a notice under Section 215 of The Town & Country Planning Act. This Notice has compelled the owner to carry out the following measures:
- a. Removal of all sand, gravel, aggregates and spoil and other excavated materials which cannot be reasonably considered as pertaining to the works currently being undertaken on the Land, and reinstate the original prevailing ground levels across the Land.
  - b. Removal of all building materials and equipment which cannot be reasonably considered as pertaining to the works currently being undertaken on the Land.
  - c. Reinstall the window and doorway to the front elevation of the dwelling house using materials similar to those used predominantly on the exterior of the existing dwelling house; and remove from the Land all waste and / or rubbish and or unused building materials resulting from the works required by this Notice.

If the owner refuses to complete the work then the Council can prosecute the individual for 'non-compliance' and / or choose to carry out the 'works in default'. The Council would then seek to recover the money from the owner and place a legal charge on the owner's property to protect the Council's interest.

- 2.3 **CCTV erected by the owner of the property.** With regards to the use of CCTV, in general it is regulated by the Data Protection Act 1998. However, the use of cameras for limited

household purposes is exempt from the Act, even if the camera overlooks the street or other areas near the home. There are other grounds on which the domestic use of CCTV could be challenged, for example if its use amounted to harassment under the Protection from Harassment Act 1997. The relevance of the legislation would depend on the specific circumstances.

- 2.4 A Case Worker from the Council's Community Safety Team has been in contact with the lead petitioner regarding the siting of the CCTV. As a result of that meeting the Community Safety Team and Police will be looking to address potential concerns regarding what images the CCTV cameras are capturing and will advise as appropriate.

**3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

The Section 215 Notice was served by Officers on 3<sup>rd</sup> September 2014, and subject to no appeal against the Notice being lodged at the Magistrates' Court beforehand, takes effect on 5<sup>th</sup> November 2014. The Notice requires compliance within four months from the date the Notice takes effect.

**5. Comments from Executive Director, Resources**

In the event of non-compliance of any Notices served, there will be a financial implication with regard to the authorisation of legal proceedings and any works in default carried out by the Council. The potential extent of this is difficult to predict, depending on the outcome, any appeal etc. However, full regard will be made to the Code for Crown Prosecutors, issued by the Director of Public Prosecutions. The cost of any potential prosecution and 'works in default' will be paid from within existing budgets.

**6. Other implications**

None

**6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

- 6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular service contributes to two of the Council's key objectives.

**6.2 How is risk being managed?**

None

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

None

**6.4 Equalities / EIA**

None

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

See 6.1.1

**6.6 Implications for partner organisations?**

None

**Report author(s):** Steve Chantler

**Name and job title:** Senior Environment and Housing Enforcement Officer  
**Directorate:** People Directorate

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Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Simon Brake	Assistant Director Communities & Health	People Directorate	10/09/14	10/09/14
Craig Hickin	Head of Environmental Services	People Directorate	10/09/14	10/09/14
Phil Hibberd	Pest Control and Animal Welfare Officer	People Directorate	10/09/14	10/09/14
Liam Nagle	Offender Management Strategic Officer	People Directorate	10/09/14	10/09/14
Marcus Fothergill	Principal Planning Officer	Place Directorate	10/09/14	10/09/14
Usha Patel	Governance Services Officer	Resources Directorate	10/09/14	17/09/14
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Diane Jones	Business Partner	Resources Directorate	10/09/14	10/09/14
Legal: Carol Jones	Solicitor	Resources Directorate	10/09/14	10/09/14
Director: Sara Roach for Brian Walsh	Deputy Director	People Directorate		17/09/14
Members: Councillor Phillip Townshend	Deputy Leader	Services and Equalities		

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## Public report Cabinet Member

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Cabinet Member (Policing & Equalities)

2<sup>nd</sup> October 2014

**Name of Cabinet Member:**

Policing and Equalities - Councillor Townshend

**Director Approving Submission of the report:**

Executive Director – People

**Ward(s) affected:**

Westwood

**Title:**

**E-Petition to Save Coventry's Badgers from Culling**

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**Is this a key decision?**

No

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**Executive Summary:**

This report responds to an e-petition which was generated on the Council web site, in July 2014, from residents who called on Coventry City Council to prohibit the culling of badgers on council-owned land and invest in a vaccination programme locally.

**Recommendations:**

The Cabinet Member is requested to:

- (1) Acknowledge the e-petition and confirm the Council's support for the wider aim of the Government's strategy in achieving TB free status by 2038.

**List of Appendices included:**

Appendix 1 – front page of petition

**Other useful background papers:**

None

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

No,

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

No

**Will this report go to Council?**

No

## **1. Context (or background)**

- 1.1 In July 2014, an e-petition of 61 e-signatures was raised by residents who call on the Council to prohibit the culling of badgers on council-owned land and invest in a 'vaccination program', locally. The petitioners believe culling to be inhumane, inefficient, and unscientific in the control of bovine tuberculosis (bTB) in cattle. They claim that this is a national issue which will be of direct concern to the people of Coventry when DEFRA "rolls out" its culling policy in 2014.
- 1.2 Licences were originally issued in 2012 by the Government for badger control in two pilot areas in autumn 2012. These pilot areas are in West Gloucestershire and West Somerset and the licence permitted controls to take place on four occasions over a four year period. Badger control activity took place in the two pilot areas in 2013. Natural England have recently issued letters authorising the resumption of badger control measures in the two pilots areas in 2014, and a start date for culling activity will be decided by the cull companies.
- 1.3 There are currently no plans to carry out badger culling outside these pilot areas.

## **2. Options considered and recommended proposal**

- 2.1 On 3 April 2014, DEFRA announced a comprehensive strategy to achieve TB-free status in England by 2038. This includes continuing to strengthen cattle movement controls, a grant-funded scheme for badger vaccination projects in the 'edge area' at the frontier of the disease, and improvements to the four-year badger cull pilots in Somerset and Gloucestershire.
- 2.2 Following recommendations from DEFRA's Independent Expert Panel that assessed the badger cull pilots last year, a series of changes will be made to improve the effectiveness, humaneness, and safety of culling. These changes will be monitored to assess their impact before further decisions are taken on more badger cull licences next year. Improvements to the pilot culls will include more extensive training for contractors carrying out the cull, better planning by the licensed companies to ensure culling is spread evenly across all land available, and better data collection to assess progress.
- 2.3 Addressing bovine TB in badgers in high risk areas is just one part of DEFRA's new long-term strategy to eradicate bovine TB from England. Their strategy includes a wide range of tools that will be used to achieve the aim of TB-free status by 2038. This includes:
  - a) Offering grant funding for private badger vaccination projects in the edge areas aiming to increase TB immunity in uninfected badgers and reduce the spread of the disease. (DEFRA will provide match-funding for successful applicants.)
  - b) Continuing to strengthen cattle movement controls and testing regime to stop the disease from spreading from herd to herd.
  - c) Improving biosecurity by helping farmers understand the disease risk of cattle they buy.
  - d) Continuing to invest in development of a new vaccine for cattle which could be field-tested next year, and an oral badger vaccine which DEFRA would look to have available for use by 2019.
- 2.4 DEFRA state that the scale of the problem differs from region to region, so they will establish three bTB management regions known as the high risk area, low risk area and

the edge area. A range of measures will be applied to control the disease within each zone according to the risk. For security reasons DEFRA does not publish maps of these areas.

- 2.5 It is also important to mention that under the Protection of Badgers Act 1992, Badgers are protected and so are the setts (burrows) they live in. This legislation applies to all land owners and this includes the City Council.
- 2.6 The City Council has not been approached by DEFRA concerning badger controls in what is a largely urban area and does not anticipate that it will feature in future programmes. Cabinet Member is recommended to acknowledge the petition and confirm the Council's support for the wider aim of the Government's strategy in achieving TB free status by 2038.

**3. Results of consultation undertaken**

None

**4. Timetable for implementing this decision**

Not applicable.

**5. Comments from the Executive Director, Resources**

**Finance:** There are no financial implications.

**Legal:** There are no legal implications.

**6. Other implications**

None

**6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard).**

6.1.2 Not applicable.

**6.2 How is risk being managed?**

None

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

None

**6.4 Equalities / EIA**

None

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

None

**6.6 Implications for partner organisations?**

None

**Report author(s):** Craig Hickin

**Name and job title:** Head of Environmental Services  
**Directorate:** People Directorate

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Enquiries should be directed to the above person.

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<b>Contributors:</b>				
Simon Brake	Assistant Director Communities & Health	People Directorate	26.08.2014	27.8.14
Phil Hibberd	Pest Control and Animal Welfare Officer	People Directorate	26.08.2014	27.8.14
Nigel Clews	Assistant Director – Property Asset Management	Place Directorate	26.08.2014	27.8.14
Ces Edwards	Head of Parks & Open Spaces	Place Directorate	27.08.2014	27.8.14
Usha Patel	Governance Services Officer	Resources Directorate	26.08.2014	27.8.14
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Diane Jones		Resources Directorate	26.08.2014	02.09.14
Legal: Andrew Burton		Resources Directorate	26.08.2014	27.8.14
Sara Roach for Brian Walsh	Deputy Director Strategy & Communities	People Directorate	02.09.14	04.09.14
Members: Councillor Phillip Townshend	Deputy Leader	Policing and Equalities	10.09.14	10.09.14

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## APPENDIX 1

### ePetitions – Coventry City Council

Coventry City Council's ePetitions site

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#### Save Coventry City Council's Badgers from Culling

"This is a national issue which will be of direct concern to the people of Coventry when DEFRA "rolls out" its culling policy in 2014. The object of the petition is to ensure that Coventry City Council's badger population is as safe as possible from slaughter and that the already available injectable badger vaccine against bTB is used in as many cases as possible. We ask this because we believe the culling policy is inhumane (DEFRA's measurement of "humaneness" is to time the screams of wounded badgers), inefficient (previous culls showed an increase in bTB because of badger movement) and unscientific (the majority of scientific opinion hold that a cull will have "no meaningful result").

We, the undersigned, call on Coventry City Council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific."

**Petition Organiser:** Works in Coventry

**End Date:** 19th July, 2014

**Number of Signatures:** 61

This ePetition has now closed for signatures. More information will be available soon. If you need any more information, please [contact us](#).

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## Public report Cabinet Member

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Cabinet Member (Policing & Equalities)

02 October 2014

**Name of Cabinet Member:**

Policing and Equalities - Councillor Townshend

**Director Approving Submission of the report:**

Executive Director – People

**Ward(s) affected:**

Whoberley

**Title:**

Progress report in response to a petition asking the Council to improve the environment and security of the Hearsall area of Coventry

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**Is this a key decision?**

No

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**Executive Summary:**

A petition of 184 signatories was originally submitted on 25<sup>th</sup> March 2014 by Councillor B Singh and Councillor Howells, Whoberley Ward Councillors.

The petition asks the Council to implement measures to address environmental issues which are likely to improve the security of the Hearsall area, in the ward of Whoberley.

The petitioners outlined issues including fly-tipping and obstruction caused by wheelie bins. Additionally they requested that estate/letting agency signs should be removed and that all alleyways and entryways should be gated and any existing gates to be repaired to a good working order.

This report provides further details of additional measures taken by Council Officers to address these issues as recommended by Cabinet Member on 3<sup>rd</sup> July 2014.

**Recommendations:**

The Cabinet Member is recommended to:-

1. Acknowledge and endorse the additional work of Officers since the last Cabinet Member meeting as detailed in section 2 of this report.
2. Request Officers to:
  - a. Continue the Care for Our Area/Hot Street project until the relevant alleyways have been cleared and the project reaches its conclusion.
  - b. Continue to offer advice and guidance to residents on the implementation of self-help 'gating schemes' where appropriate.
  - c. Continue to investigate and respond to reports from residents concerning the unauthorised use of for sale and letting boards.
  - d. Report back to Cabinet Member on progress made before the end of the calendar year.
  - e. The Community Development Service to continue to engage with residents.

**List of Appendices included:**

None

**Background papers:**

None

**Other useful documents**

None

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

No

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

No

**Will this report go to Council?**

No



**Report title:**

Progress report in response to a petition asking the Council to improve the environment and security of the Hearsall area of Coventry

**1. Context or background**

- 1.1 A petition was submitted to Cabinet on the 25<sup>th</sup> March 2014 By Councillor B. Singh and Councillor Howells. The petition called for the City Council to improve the cleanliness and address environmental issues, which if addressed would subsequently improve the safety and security of the Hearsall area of the City. Officers reported on actions to be taken at a Cabinet Member meeting on the 3<sup>rd</sup> July 2014.
- 1.2 Further to that report, Cabinet Member requested that additional measures be implemented in the following streets: Broomfield Road, Kensington Road, Melbourne Road, Kingston Road, Bristol Road, Kirby Road, Farman Road, Latham Road, and Sovereign Road. These measures included:
  - a) A review of gating in entry ways by Officers from the Community Safety Team to establish the effectiveness of the existing gating and provide findings with which residents could consider the implementation of new self-help gating schemes.
  - b) The Neighbourhood Enforcement Officer Team (NEO) to implement the Care for Our Area/Hot Street project during the summer months in 16 specific streets in the Hearsall area of the City. The aim was to reduce the number of cases of fly-tipping and the number of wheelie bins stored/left on the pavement between collection days. This was to be accomplished through a dual track approach to targeted education for residents alongside enforcement where appropriate and necessary.
  - c) The Planning Enforcement Team to carry out a review of the 'for sale and to let' boards in Hearsall, and to report back on matters of concern including any abuse of deemed consent by letting and estate agents.
- 1.3 A meeting was held on 13th August 2014 which included representatives from Community Safety, Planning, Street Pride, Community Development Service, Environmental Control, Cllr Bally Singh and community members. Residents wanted to ensure the council understood their concerns and discuss the potential action for community involvement.

**2. Options considered and recommended proposal**

- 2.1 Following the Cabinet Member meeting, the area of Hearsall specified by the Cabinet Member was surveyed and additional streets were included in the initiatives for practical reasons. The projects were consequently focused on: Broomfield Place, Laytham Road, Shakleton Road, Melbourne Road, Farman Road, Kirby Road, Sovereign Road, Collingwood Road, Hawkins Road, Ludlow Road, Kingston Road, Centaur Road, Bristol Road, Broomfield Road, Kensington Road, and Beaudesert Road.
- 2.2 **Gating of Alley Ways.** A full review of gating in entry ways of the roads identified has been undertaken by the Community Safety Team, all of which are on private land and therefore cannot and do not fall under the Council's responsibility. However residents were offered advice and guidance on how to implement 'self- help/resident led gating

schemes' in their Community and have been issued with self-help gating scheme guidance.

Officers surveyed 153 entry ways in the 17 roads identified, of which 10 were ungated and being used as a cycle route and 2 are open public rights of ways. There were 17 gates missing and 17 gates in need of maintenance, the remaining 107 were in a good state of repair.

- 2.3 **Storage of Wheelie Bins on the Street and Fly Tipping.** Neighbourhood Enforcement Officers (NEOs) surveyed all the roads mentioned in paragraph 2.1 and the alleyways that service these roads. As part of the Care for Our Area/Hot Streets Project, all households within the area were visited to explain what we were attempting to achieve. This has led to a significant drop in fly-tipping, and almost all of the bins which were previously stored on the street are now being stored in rear gardens or within the curtilage of the particular property. Relatively few alleyways were blocked by rubbish and we are currently working with the Probation Service to utilise the Community Payback scheme to clear these alleyways.
- 2.4 Officers will continue to monitor the storage of wheelie bins on the street and where persuasion has not resulted in residents storing their bins on their own property, enforcement action will be used. To date the use of our enforcement powers has not been required. NEOs are engaging with the residents on a regular basis and addressing any issues as they arise. Residents have also been encouraged to report incidents through Coventry Direct.
- 2.5 There is recognition that the Council will not be able to offer permanent dedicated support to this area. Therefore the NEO Team has been working with the Residents' group to equip these individuals with the skills and materials to monitor and deal with the influx of new residents or any other households that deviate from the required way of storing bins. The NEOs will however still be available to deal with difficult individuals.
- 2.6 **For sale / letting boards.** Following the previous Cabinet Member meeting on 3<sup>rd</sup> July 2014, Officers from the Planning Enforcement Team met with petition representatives to discuss their concerns regarding the display of 'for sale / lettings' boards. Officers were provided with a list of 16 addresses where boards were potentially being displayed unlawfully within the Hearsall Area. Officers investigated each of the properties concerned and identified 7 displaying unauthorised signs. Officers contacted the estate agents concerned and the authorised signs have now all been removed. Officers have subsequently undertaken some limited monitoring of the area which has resulted in several further breaches being identified which have been quickly resolved. The City Council's Planning Enforcement Team has also explored whether it is possible to restrict the use of letting and for sale boards in the Hearsall area of the City through Part 4 'Areas of Special Control' of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as suggested by petition representatives. Unfortunately, because this area does not have heritage status or specific buildings of note which are listed, it is the opinion of Officers that it would fail to meet the relevant tests to be declared 'An Area of Special Control' by the Secretary of State and consequently the Council cannot use this legislation to restrict the displays. However, Officers from Planning Enforcement will continue to respond and investigate specific complaints about the displaying of estate/letting agency signs and will take action where possible to remove

authorised displays. The effective reporting of such unauthorised displays has been discussed with petition representatives and improvements have been made to ensure the fast and efficient reporting of suspected breaches to allow Officers to effectively target resources within the Hearsall Area.

- 2.7 The Community Development Service has engaged with residents and can support them in organising community events such as litter picks. A Community Development Officer has attended resident association meetings and will continue to work proactively with residents.

## **2.8 Recommendations.**

- a) To continue the Care for Our Area/Hot Street project until the relevant alleyways have been cleared and the project reaches its conclusion.
- b) To continue to offer advice on 'gating schemes' where appropriate.
- c) To continue to respond to requests from residents concerning the unauthorised use of for sale and letting boards.
- d) Report back to Cabinet Member on progress made before the end of the calendar year.
- e) The Community Development Service to continue to engage with residents

## **3 Results of consultation undertaken**

- 3.1 Officers from the Council have attended local resident group meetings and have been in regular contact with the lead petitioner.

## **4 Comments from Executive Director, Resources**

### **4.1 Financial implications**

There are no financial implications arising from this report. All activities are financed from within existing budgets.

#### **Legal implications**

None

## **5 Other implications**

None

### **5.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

- 5.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour'

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

- 5.4 Officers will continue to patrol the area for the duration of the initiative. Thereafter, Officers will respond to individual service requests from this area on a case by case basis.
- 5.5 **What is the impact on the organisation?**  
None
- 5.6 **Equalities / EIA**  
N/A
- 5.7 **Implications for (or impact on) the environment**  
See paragraph 5.2.
- 5.8 **Implications for partner organisations?**  
None

**Report author(s):**

Simon Hutt

**Name and job title:**

Neighbourhood Enforcement Manager

**Directorate:**

People Directorate

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Legal: Andrew Burton	Solicitor	Resources Directorate	21.08.2014	21.08.2014
Director: Sara Roach on behalf of Brian Walsh	Deputy Director	People Directorate		04.09.14
Members: Name	Councillor Townshend	Deputy leader		

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2<sup>nd</sup> October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing & Equalities)

**Director Approving Submission of the report:**

Executive Director – Place

**Ward(s) affected:**

Whoberley

**Title:**

Progress report on action taken to improve security to open land at rear of 2-66 Brookside Avenue

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**Is this a key decision?**

No

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**Executive Summary:**

A petition containing 11 signatories, from 6 households, was submitted on 25<sup>th</sup> March 2014 by Councillor Singh.

A report in response to the petition was presented to Cabinet Member on 3<sup>rd</sup> July 2014. The report detailed initial action taken by Officers in response to resident's concerns about environmental and nuisance behaviour on an open space at the rear of properties 2-66 Brookside Avenue in the Whoberley ward of Coventry.

This report provides an update on progress against further recommendations made by Cabinet Member

The land is an open stretch of green space measuring approximately 900 metres in length which is owned by the City Council and managed by the Parks Service in the Place Directorate.

**Recommendations:**

The Cabinet Member is requested to:-

1. Endorse the additional action taken by Officers
2. Request Police to continue to patrol the area responding to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour

3. Request Community Development Officers to continue to work with the community in tackling local issues including litter and environmental issues and to assist residents in seeking funding that they could use on private land to improve the security of their properties.
4. Request Officers to continue to monitor incidents of crime and nuisance together with the effectiveness of their action and to respond appropriately to any such issues.

**List of Appendices included:**

*None*

**Background papers:**

None

**Other useful documents**

Report to Cabinet Member (Policing & Equalities) dated 3<sup>rd</sup> July 2014 entitled:

“Response to petition calling for the installation of security fencing to open land at the rear of numbers 2-66, Brookside Avenue”

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

No

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

No

**Will this report go to Council?**

No

**Report title:**

Progress report on action taken to improve security to open land at rear of 2-66 Brookside Avenue

**1. Context (or background)**



- 1.1 A report in response to a petition containing 11 signatories was presented to a Cabinet Member meeting on 3<sup>rd</sup> July 2014. The report outlined initial action taken in response to concerns about the security of the open space outlined in the petition
- 1.2 The open space at the rear of properties concerned is maintained by the City Council, and services provided include grass cutting, litter picking and the emptying of a waste bin.
- 1.3 Cabinet Member recommendations from the meeting on the 3<sup>rd</sup> July 2014 were:-
  - I. Endorse actions taken to date by Officers and requested that the area continue to be monitored.
  - II. Police to continue to patrol the area responding to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour.
  - III. Community Development Officers to work with the community in tackling local issues including litter and environmental issues and to assist residents in seeking funding that would contribute to security improvements.
  - IV. Officers to provide a report back on progress against recommendations 1-3 inclusive in October 2014.
- 1.4 In July 2014 a new metal waste bin was provided to replace a plastic bin which had been damaged by fire. The replacement bin has four times the capacity of the plastic one it replaced and so far has not been vandalised. It is emptied on two occasions per week, which ensures it does not get over filled.
- 1.5 Police records indicate 1 incident of reported crime taking place between April 2014 and August 2014 which was a burglary consisting of a theft from an out building in the rear garden of the premises. Police anti-social behaviour incidents totalled 6, these were youths causing nuisance including drinking alcohol and hanging around.
- 1.6 City Council systems indicate no recorded incidents of nuisance / anti-social behaviour associated with the residential premises. However, there was 1 report of environmental nuisance which was litter.
- 1.7 St Christopher's Primary School, which borders the other side of the green space, reported 1 incident of anti-social behaviour during the Summer of 2013.
- 1.8 The Youth Service Detached Response Team visited a number of sites in the locality and engaged with the young people they encountered. They have directed young people to activities and provision in the area. The team were deployed to the area on a weekly basis to consult with the young people on the activities with which they were interested in engaging. A summer programme was devised and funded by "Sportivate". Residents were made aware of this, some of which volunteered to help with the organisation and delivery of the programme itself.
- 1.9 Community Development Team Officers engaged with St Christopher's Primary School to offer support to ensure pupils understand the importance of considerate behaviour in their school and community. The team have also supported community litter pick initiatives and continue to work directly with residents in the area.

- 1.10 The Local Police team held a street briefing for residents in early August and a further briefing is planned in the autumn.

## **2. Options considered and recommended proposal**

- 2.1 A self-help gating scheme advice pack was forwarded to the lead petitioner for consideration by the Residents' Association and they will be assisted by Officers should they wish to pursue an application for the erection of security fencing on their land.
- 2.2 The Police Community Engagement Officer has supported local residents to become a formal Neighbourhood Watch Scheme. The lead petitioner has also been provided with a Police Crime Commission application for funding works on private property.
- 2.3 The Safeguarding Children Licensing Officer has visited the area and the premises in the locality serving alcohol. All had up-to-date records and advised that they are vigilant to proxy sales and utilise the age verification scheme 'Challenge 25'. Advice was given to continue with their current procedures and continue to pass information to staff, especially around the prevention of proxy sales.
- 2.4 Trading Standards Officers have carried out 'Test Purchase' Operations previously and confirmed that premises operating in the area are compliant with the law on underage sales. Each concern raised in relation to this issue is considered on an individual basis and the team will take appropriate action as required. Locally there have been no new complaints about underage sales since the last report on 3<sup>rd</sup> July 2014.
- 2.5 The Parks Service rangers and Parks Development Officers are continuing to monitor the area of open space for evidence of vandalism, drug use or other Anti-Social Behaviour and any information will be shared with the police.

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

- 3.1 Police and Council Officers have engaged with the residents and are in regular contact with them via the Guphill Residents Association to understand the issues and to work with local people to address them.
- 3.2 Residents are encouraged to report incidences as they occur to the relevant organisation. Contact details have been issued in order to encourage regular reporting of incidents for monitoring and response purposes.
- 3.3 A Youth Service representative has committed to attending the Residents' Association regularly to update on action taken.
- 3.4 Youth provision in the area includes the Council's Detached Response Team, they are in the area every Wednesday evening.

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

- 4.1 Officers will continue to work with local residents to support them in implementing the measures outlined in this report and the Local Safer Neighbourhood Group will continue to monitor incidents of crime and nuisance in the area at each monthly meeting.

## **5 Comments from Executive Director, Resources**

### **5.3 Financial implications**

There are no financial implications arising from the recommendations within this report.

### **5.4 Legal implications**

There are no legal implications arising from the recommendations within this report.

## **6 Other implications**

None

### **6.3 How will this contribute to the Council Plan?**

#### **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

Supporting local people to do more for themselves and their local community is central to the City Council's principles and the Council Plan.

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

1. The Community Safety Officer continues to monitor crime and disorder levels in the area.
2. Police and Council Officers continue to incorporate the area in their patrol strategies and work schedules and will monitor behaviour of individuals.

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

None

### **6.6 Equalities / EIA**

N/A

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

N/A

### **6.8 Implications for partner organisations?**

N/A

**Report author(s):**

**Name and job title:**

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**Directorate:**

Place

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Legal: Andrew Burton	Solicitor	Resources Directorate	08.09.2014	09.09.2014
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Members: Name				
Cllr P Townshend			10.09.2014	10.09.2014

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## **Appendices**

None

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2nd October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing & Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director – People

**Ward(s) affected:**

St. Michaels

**Title:**

Update on Action to Address Incidents of Fly-tipping and Anti-Social Behaviour taking place on the corner of Keppel Street/Wright Street, Hillfields, Coventry

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**Is this a key decision?**

No

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**Executive Summary:**

A report in response to a petition was presented to Cabinet Member on 3<sup>rd</sup> July 2014. The petition signed by 22 signatories called on the Council to request Whitefriars Housing Association to take action to address fly-tipping and nuisance behaviour taking place on their land at the corner of Wright Street and Keppel Street in the Hillfields area of Coventry.

Further recommendations were made by Cabinet Member at this meeting and this report provides an update on further action taken by Officers in response.

**Recommendations:**

The Cabinet Member is recommended to:-

1. Note the action taken to date to address the issues;
2. Request the Police to continue to patrol the area responding swiftly to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour.
3. Request that Officers continue to monitor the issues associated with this land as part of the Hillfields Action Plan and the effectiveness of interventions applied.

**List of Appendices included:**

None

**Background papers:**

None

**Other useful documents**

None

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

No

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

No

**Will this report go to Council?**

No



**Report title:**

Update on Action to Address Incidents of Fly-tipping and Anti-Social Behaviour taking place on the corner of Keppel Street/Wright Street, Hillfields, Coventry

**1. Context (or background)**

- 1.1 A petition containing 22 signatories was submitted by Councillor Akhtar on the 29<sup>th</sup> April 2014. The petition outlined residents' concerns in relation to fly-tipping and nuisance behaviour taking place on land owned by Whitefriars Housing Group and requested the Council to call upon them to take action to address the issues.
- 1.2 A report in response to the petition, detailing the findings of Officers following their investigations, was presented to Cabinet Member (Policing & Equalities) on 3<sup>rd</sup> July 2014. Further recommendations were provided to Officers including:-
  - A letter to be sent to the Chief Executive of Whitefriars Housing Group, requesting that they secured the land.
  - Police Officers were requested to continue to patrol the area responding swiftly to any incidents or issues raised and to exercise their powers to obtain identities of individuals and disperse groups that were engaging in behaviour likely to cause nuisance or annoyance, harm, alarm and/or distress.
  - The use of CCTV to deter inappropriate behaviour and/or aid police with their investigations.
- 1.3 The recommendations outlined in 1.2 above were implemented by Officers and incidents of crime and nuisance have been monitored by both Council and the Police. Reports to the Police for the period 1<sup>st</sup> July 2014 to 31<sup>st</sup> August 2014 identified one theft from motor vehicle left unlocked whilst in Keppel Street, but did not directly relate to the site in question. There were no reported incidents of nuisance behaviour for either street for the same period.
- 1.4 City Council records identify one report of nuisance associated with car sales on the public car park of Keppel Street and one report relating to Wright Street for the same issue. Both reports were made on the same day in August 2014. A further two reports of fly-tipping in Keppel Street were recorded.
- 1.5 Whitefriars Housing Association has continued to inspect the area and remove rubbish and litter as necessary as the area forms part of the weekly inspection and clean-up schedule. The security of the site has been monitored several times recently during the late evening by their Response Service and no incidents of nuisance behaviour have been witnessed. Whilst the Association has no immediate plans for this site; longer-term options are currently being considered in line with section 2 of this report and are outlined in paragraph 3.1 of this report.
- 1.6 The Community Safety Officer has met with one of the lead petitioners who stated that the area is considerably better. There is some small amount of litter that collects in the shrubbery but this is regularly cleaned. Other neighbours also report improvements but would like to see further improvement in the form of reducing the height of the shrubs and removal of one tree and reducing the height of others.
- 1.7 A further site visit is being arranged with Whitefriars Housing Group, Elected Member and lead petitioner to discuss future plans.

## **2 Options considered and recommended proposal**

- 2.1 The site is very open and therefore attractive to young groups gathering to socialise in the area. The Local Neighbourhood Policing Team has provided additional monitoring through targeted patrols to the site.
- 2.2 Relevant contact details and methods of reporting have been re-issued to the residents in order that they can report issues directly to Whitefriars Housing Group.
- 2.3 Whitefriars Housing Group Response Team monitors the area, as duties allow, outside normal office hours.

## **3 Results of consultation undertaken**

- 3.1 Whitefriars Housing Group has indicated that it is currently exploring options for the potential future use of the site. Consideration is being given to a change of use for development purposes/gaining outline planning permission and options for alternative parking arrangements such as permit parking.
- 3.2 West Midlands Police continue to patrol the area responding swiftly to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour.

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

- 4.1 The Local Safer Neighbourhood Group will monitor the issues associated with this land as part of the Hillfields Action Plan

## **5 Comments from Executive Director, Resources**

### **5.1 Financial implications**

Removal of fly-tipping is carried out by Whitefriars Housing Group at their expense. There are no additional financial implications for the Council arising from the implementation of this report

### **5.2 Legal implications**

None

## **6 Other implications**

None

### **6.1 How will this contribute to the Council Plan?**

#### **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

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

The Community Safety Officer continues to monitor crime and disorder levels in the area. Police and Whitefriars Housing Group continue to incorporate the area in their patrol strategies and work schedule and will monitor behaviour of individuals.

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

None

**6.4 Equalities / EIA**

N/A

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

N/A

**6.6 Implications for partner organisations?**

N/A

**Report author(s):**

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**Name and job title:**

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**Directorate:**

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<b>Members: Name</b>				
Councillor Townshend	Cabinet Member (Policing & Equalities)		17.9.2014	

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02 October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing and Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, People

**Ward(s) affected:**

All

**Title:**

Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses

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**Is this a key decision?**

No

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**Executive Summary:**

Regulatory Services consists of various teams delivering Environmental Health, Environmental Protection, Trading Standards, and Licensing functions. Currently the service provides free advice to all types of businesses, large and small. Some requests made by companies can be quite complex and involve significant officer time, which places a drain on the service.

As a way of formalising the working arrangements between local authorities and companies seeking detailed advice, the Regulatory Enforcement and Sanctions Act 2008 introduced the concept of 'Primary Authority Partnerships'. A Primary Authority Partnership (PAP) is effectively a written agreement setting out the terms on which a company that operates across two or more local authorities can seek detailed advice. The advantage to companies is that any advice is regarded as 'assured advice' (meaning it has to be taken into account by any other regulator). The advantage to the local authority is that it can better manage its resources and it can charge for its services in delivering a PAP scheme.

Approval is sought to introduce Primary Authority Partnerships to Coventry and offer them to companies who wish to seek specialist help from Regulatory Services, over and above that which would be provided for free.

**Recommendations**

**Cabinet Member is asked to:**

- (1) approve the introduction of the Primary Authority Partnership Scheme with businesses which meet the statutory criteria and who wish to work with regulatory officers.
- (2) approve the proposed charging summary for Primary Authority Partnerships detailed in Appendix 1.
- (3) request a further report be presented by officers in 12 months' time detailing the initial outcomes of implementing the Primary Authority Partnership scheme.

**List of Appendices included:**

- (1) Primary Authority Partnership - Charging Structure
- (2) Equalities and Consultation Analysis

**Other useful background papers:**

- a) Dedicated government website pages giving overview of Primary Authority Partnership schemes and access to public register of companies already signed up.

<https://primaryauthorityregister.info/par/index.php/home>

- b) Copy of Statutory Guidance relating to Primary Authority Partnerships

<https://www.gov.uk/government/publications/primary-authority-statutory-guidance>

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

No

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

No

**Will this report go to Council?**

No



**Report title: Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses**

**1. Context (or background)**

- 1.1 Regulatory Services currently provides all types of advice and guidance free of charge to all types of businesses, some of which is quite resource intensive. Primary Authority Partnerships (PAPs) provide a statutory framework to assist businesses in complying with regulations enforced by local authorities whilst also enabling the local authority to better manage its resources.
- 1.2 The scheme only applies to businesses operating across two or more local authorities. It does not apply to small local businesses that will continue to receive advice for most matters without charge.

**2. Options considered and recommended proposal**

- 2.1 The Regulatory Enforcement and Sanctions Act 2008 introduced the concept of 'Primary Authority Partnerships'. The Better Regulation Delivery Office, a non-government department of BIS, oversees the scheme. The scheme only applies to businesses, trade associations, or franchises that operate in two or more local authority areas. It is not applicable to small local businesses.
- 2.2 There are now 120 local authorities with Primary Authority Partnerships benefiting 1,500 businesses, covering 73,000 premises.
- 2.3 Some of the values/benefits of the scheme are:
  - Once legally nominated by the Better Regulation Delivery Office, partnerships are automatically recognised by all local regulators. A central register of the partnerships provides an authoritative reference source.
  - By working closely with the business, a Primary Authority will provide robust, consistent, and reliable advice which must be respected by all local regulators.
  - A business can choose what level of support it needs from its primary authority. Resourcing the partnership is up to the local authority and the business concerned. The local authority often chooses to recover its costs.
  - A well-run Primary Authority Partnership can help promote growth through consistency of regulatory advice and assistance tailored to the company concerned. The scheme is valued by businesses and Coventry City Council has already been approached by several businesses wishing to establish a partnership.
- 2.4 Regulatory Services currently offer 'voluntary' partnerships to local businesses under existing schemes, such as 'Home Authority' and the HSE's former 'Lead Authority' scheme. The Trading Standards team has 47 'Home Authority' companies. The Health & Safety/Food team has one 'Lead Authority' agreement. These schemes will continue for existing companies until transition to PAPs is offered in due course.
- 2.5 Whilst these have a certain amount of recognition, they do not provide a statutory framework for giving 'assured advice' or the opportunity to seek cost recovery.

- 2.6 Regulatory Services have been approached by several businesses that are actively looking to set up a Primary Authority Partnership. These businesses are expecting to pay for this service, as it is cheaper than what they currently pay for business advice and it has the benefit that they receive 'assured advice'. Businesses wishing to be part of a Primary Authority Partnership must meet the qualifying criteria set out in the Statutory Guidance.
- 2.7 The level of involvement in any proposed PAP will be determined at the beginning of the agreement e.g.
- regulatory areas covered
  - setting up processes and procedures,
  - areas of highest risk for the business,
  - the cost of the service,
  - response times,
  - hours of operation,
  - channels of communication,
  - any relevant limitations to service provision.
- 2.8 In order for a PAP agreement to be formally recognised and entered on the national register, it must firstly be approved by the Secretary of State for Business, Innovation, and Skills, in accordance with section 25 of the Act and the Statutory Guidance. The terms and conditions of any agreement are specified by the BRDO, and must be included in any partnership agreement.
- 2.9 Section 31 of the Regulatory Enforcement and Sanctions Act 2008 enables a local authority to charge the business fees on a cost recovery basis in relation to the exercise of its functions as a Primary Authority. The charges should be published in a clear and transparent manner, including the basis on which they are calculated, in line with the requirement of the Regulators' Code and the Statutory Guidance (section 5.6).
- 2.10 The main cost associated with supporting an agreement will be in providing complex advice and guidance to companies. The fairest way to manage this discretionary work is to charge an hourly rate, based on cost-recovery of £43.50, exclusive of VAT, plus any additional expenses, e.g. travel, testing costs.
- 2.11 One of the main benefits to a business is in receiving 'assured advice'. Any assured advice will be clearly headed as such, and will be signed off by a manager. Such advice will be covered by the Council's indemnity insurance and liability is limited in any year to the amount paid in that year for partnership services. In accordance with the terms and conditions laid out by BRDO, the Council will not be held liable for any unforeseeable loss which arises as a consequence of its involvement in a partnership.
- 2.12 Once the scheme has been introduced in Coventry, officers would look to consult with companies under the existing 'Home Authority' and 'Lead Authority' arrangements and offer a transition to Primary Authority if they still wish to receive services covered by the scheme. The transition process will be managed over a period of time, e.g. 12 months.
- 2.13 The impact of this is expected to be low as few companies seek the more complex and involved assistance that would trigger a charge in future. Regulatory Services receives several hundred business advice requests each year, which vary in complexity from very simple and quick enquiries to the more complex tasks that can absorb significant officer time. Most contacts are from small local businesses and would not be subject to

a PAP. It is estimated that only about 10% of all contacts would potentially fall under the remit of Primary Authority Partnerships.

2.14 Officers consider there is benefit in introducing Primary Authority Partnership agreements when working with the larger businesses that operate in Coventry. A PAP will provide a clear framework for the services that the Council will provide.

2.15 There is no obligation to charge businesses that enter into a PAP agreement. However, officers believe it is advantageous to have a charging structure in place going forward in order to manage the demand on the service. It is intended that the more basic general types of interaction that link to statutory functions will continue to be free of charge, but more complex input sought by a company would be chargeable.

2.16 Consideration has been given to maintaining the 'Home Authority' and 'Lead Authority' schemes and/or providing a 'Primary Authority Scheme' without charge. However, this does not take into account the potential burden on resources or provide flexibility in future should the demand change in some way (e.g. large national company moving headquarters to Coventry).

2.17 It is therefore recommended that Cabinet Member:

*1. approves the introduction of the Primary Authority Partnership scheme with businesses that meet the statutory criteria and who wish to work with regulatory officers.*

*2. approves the proposed charging summary for Primary Authority Partnerships detailed in Appendix 1.*

*3. requests a further report be presented by officers in 12 months' time detailing the initial outcomes of implementing the Primary Authority Partnership scheme.*

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

3.1 Primary Authority Partnerships were introduced under the Regulatory, Enforcement, and Sanctions Act 2008. The scheme only applies to businesses that operate within two or more local authorities and is therefore generally aimed at the national companies who have a vested interest in ensuring consistency of advice from regulators across the country. There is no statutory requirement under the Act to carry out a consultation when local authorities adopt the scheme.

3.2 Consideration has been given to the Department of Communities and Local Government 'Best Value Statutory Guidance' dated September 2011. However, as Primary Authority Partnerships are not generally intended to apply to small businesses, the requirements do not apply and therefore it does not give rise to a need for consultation.

3.3 Informal exchanges have taken place with companies interested in working with Coventry City Council and positive feedback has been received about taking advantage of any Primary Authority Partnership scheme established here. Such companies are keen to progress working together with the Council as soon as possible.

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

4.1 Recommendation 1 and 2 will be implemented immediately.

4.2 Recommendation 3 will be implemented after a period of 12 months.

## **5. Comments from Executive Director of Resources**

### **5.1 Financial implications**

No additional resource will be required to implement the scheme. Any additional income generated by entering into agreements with companies is difficult to estimate at this point but is not expected to be significant. Any extra increase in income will contribute towards Council resources.

### **5.2 Legal implications**

Primary Authority Partnerships were introduced by part 2 of the Regulatory Enforcement and Sanctions Act 2008, as amended by the Enterprise and Regulatory Reform Act 2013. This creates a statutory basis for the introduction of such schemes, and for the ability to charge for the advice given (section 31). Section 33 (3) of the Act requires a local authority to have regard to any guidance given, the most recent of which is dated September 2013. Officers have taken this guidance into account when setting up potential arrangements for a PAP scheme and drafting this report.

Companies who have entered into Primary Authority Partnerships are still subject to regulation in the usual way. The fact of the Partnership does not preclude any authority from taking enforcement action against a company, but the scheme requires a notice period to be given to the Primary Authority, and section 28 of the Act allows a Primary Authority to direct that such enforcement action should not be taken. The Primary Authority may, therefore, effectively veto proposed action which another Authority might wish to take.

## **6. Other implications**

A number of businesses are currently part of either 'Home Authority' or 'Lead Authority' support arrangements, which are provided at no cost. These are not recognised by statute. It is intended to replace these schemes with the Primary Authority Partnership scheme, subject to a consultation and transition period over the next 12 months.

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The introduction of Primary Authority Partnerships will give businesses the support they look for in terms of 'assured advice', which must be recognised by other regulators across the UK. This in turn helps provide them with consistency in their decision making and so generally contributes towards the growth agenda.

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

The key risk relates to having sufficient capacity to meet any demand from businesses wishing to sign up to Primary Authority Partnerships. However, the statutory scheme enables fees to be charged (at a cost recovery rate) and so if demand proves greater than expected, further resource may be provided using some of the additional income. There is no obligation to create a Primary Authority Scheme and if the authority was unable to meet the need, the scheme could be terminated, subject to a notice period and consultation.

Any advice provided by officers will be covered by the Council's insurers. Due to the low income levels anticipated and the low volume of cases likely to require more specialised input, the overall risk is considered to be low.

Any contracts entered into between the Council and companies for the provision of any services will be subject to approval by legal services, in accordance with Part 2M (section 5, sub-point 18) of the constitution.

It is possible, although unlikely, that enforcement action might need to be considered at some point against a partner company where compliance on an important matter is not achieved. Whilst the fact a Partnership exists does not preclude any enforcement, it would be likely to cause a breakdown in the relationship and the termination of the Partnership Agreement. This risk is considered to be at a low level.

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

None

### **6.4 Equalities / EIA**

Consideration has been given to the public sector duty under the Equality Act 2010 to reduce inequalities when making decisions of a strategic nature. However, as Primary Authority Partnerships are not intended to apply to small businesses or individuals there will not be any impact on the 'protected characteristic groups.

Part 1 of the Equalities and Consultation template has been completed and is attached at Appendix 2. Officers consider there is no need for further consultation in this case.

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

None

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

None

**Report author(s):****Name and job title:**

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Andrew Burton	Senior Lawyer	Resources	12/09/2014	15/09/2014
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Brian Brookes	Insurance & Claims Manager	Resources	17/09/2014	18/09/2014
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Legal: Christine Goodwin	Senior Lawyer	Resources	03/09/2014	18/09/2014
Simon Brake	Assistant Director	People	03/09/2014	17/09/2014
Director: Brian Walsh	Executive Director	People	03/09/2014	
Members: Councillor Townshend	Cabinet Member (Policing & Equalities)		10/09/2014	10/09/2014

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## **Appendix 1**

### **Primary Authority Partnership - Charging Structure**

Where relevant, the services below will be charged at an hourly rate, based on cost-recovery of £43.50, exclusive of VAT.

Any separate expenses incurred would be agreed in advance and charged in addition to the hourly rate (e.g. travel costs, testing fees).

#### **Services provided without charge:**

General advice on the areas covered by Regulatory Services is provided without charge and will include;

- the provision of leaflets
- links to useful websites for help
- discussing some examples of products and/or services
- explaining what is covered as part of an inspection
- explaining the steps that need to be taken to ensure compliance with regulations

Access to such advice can be obtained via;

- Coventry City Council Contact Centre
- Citizens Advice Consumer Service
- Website self-service
- ERWIN website – Everything Regulation When It's Needed
- Signposting from Chamber of Commerce, Federation of Small Businesses and, in future, the Growth Hub

#### **Services provided subject to a charge (non-exhaustive list):**

- Assessment of and guidance on product labels at the request of the business (e.g. food and safety labels)
- Assessment of brochures or advertisements on request
- Assessing new or existing terms and conditions of business on request
- Introducing a national inspection plan to avoid repeated checks by other regulators
- Feedback of product/store inspections to aid business improvement
- Auditing of processes and signing off procedures
- Site visits at the request of the business to assess compliance of processes, systems or products
- Delivery of training in relevant subjects on request
- Education and prevention work (e.g. under age sales, licensing matters, food safety issues)
- Testing of equipment (separate rates apply)
- Sampling projects agreed with the business.

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## Public Report

Cabinet Member

Audit & Procurement Committee  
Cabinet Member (Policing & Equalities)

15 September 2014  
2 October 2014

**Name of Cabinet Member:**

Cabinet Member (Policing & Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, Resources Directorate

**Ward(s) affected:**

None

**Title:**

Annual Compliance Report - Regulatory & Investigatory Powers Act (RIPA)

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**Is this a key decision?**

No

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**Executive Summary:**

The Regulation of Investigatory Powers Act 2000 (RIPA) Part 1 covers the acquisition and interception of communications data, and Part 2 covers covert surveillance and property interference. Each part of the Act is regulated by separate commissioners.

The Council's use of RIPA is to support its core functions for the purpose of prevention and detection of crime where an offence may be punishable by a custodial sentence of 6 months or more, or are related to the underage sale of alcohol and tobacco.

The Act sets out a compliance structure within which Coventry City Council can request judicial approval to use directed surveillance techniques or acquire communications data in order to support core function activities (eg investigations undertaken by Trading Standards, Environment Health, Benefits eg premises/individuals suspected of selling illegal cigarettes; s cigarettes and/or alcohol to under 18s; rogue traders; benefit fraud investigations). The information obtained as a result of such operations can later be relied upon in court proceedings providing RIPA is complied with.

The Home Office Code for Covert Surveillance Property Interference recommends that elected members, whilst not involved in the making of decisions or specific authorisations for the local authority to use its powers under Part II the Act, should review the Council's use of the legislation and provide approval to its policies for same. The Council adopted this approach for oversight of the authority's use of Part I of the Act.

There has been no material change in the legislation since the 2012/13 report.

**Recommendations:**

The Audit & Procurement Committee is requested to:

1. Consider the submission of this annual report to the Cabinet Member (Policing & Equalities) for formal acceptance and make any recommendations it considers appropriate ; and
2. Recommend the Cabinet Member (Policing & Equalities) notes and approves the report as a formal record of the Council's compliance with RIPA.

The Cabinet Member (Policing & Equalities) is requested to:

- (1) Note the Council's use and compliance with RIPA; and;
- (2) Consider any comments and recommendations provided by the Audit & Procurement Committee

**List of Appendices included:**

Nil

**Other useful background papers:**

Nil

**Other useful background information:**

Nil

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

No

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

No

**Will this report go to Council?**

No

## **1. Context (or background)**

- 1.1 Part I of RIPA, Acquisition of Communications Data, is regulated by the Interception of Communications Commissioner's Office (IOCCO). Part II of RIPA, Covert Surveillance & Property, is regulated by the Office of Surveillance Commissioners (OSC). The Council is required to submit an annual statement to each Commissioner on the number of applications granted.
- 1.2 Each Commissioner has the authority to undertake an inspection of the Council's records, policies and procedures in order to enable public authorities to improve their understanding and conduct of RIPA activities.
- 1.3 Neither the 2013 OSC, nor the 2014 IOCCO inspection raised any significant concerns.
- 1.4 Chapter 2 of Part 2 of The Protection of Freedoms Act 2012 (PFA) amended RIPA in so much that local authorities need to obtain magistrate's approval prior to using any one of the three covert investigatory techniques available to them under RIPA, namely: directed surveillance, the deployment of a covert human intelligence source (CHIS) and accessing communications data. Approval is also required if an authorisation to use such techniques needs to be renewed. In each case, the role of the magistrate is to ensure that the correct procedures have been followed and the appropriate factors have been taken into account.

## **2. Options considered and recommended proposal**

- 2.1 The Audit & Procurement Committee is recommended to consider, note and make any recommendations it considers appropriate on the Annual Compliance Report, which sets out how the Council has used its powers during the reporting periods of the individual Commissioners and to note that there have been no further changes in the legislation that would require the Council's policy to be amended, to be submitted to the Cabinet Member (Policing & Equalities) for formal acceptance.
- 2.2 The Cabinet Member (Policing & Equalities) is recommended to note and endorse the content of the report and note that the existing policy remains fit for purpose.
- 2.3 Use of Covert Surveillance or Covert Human Intelligence Sources

For the Period 1 April 2013 – 31 March 2014 – As reported to the OSC in April 2014

No. of Directed Surveillance Applications Rejected	0
No. of Directed Surveillance Applications Granted	5
No. of Authorisations Presented to Magistrates	5
No. of Authorisations Granted by Magistrates	5
No. of Authorisations Rejected by Magistrates	0

No. of Directed Surveillance Operations Remaining Extant 2	0
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- All of the requests covered core functions permitted by the Act and were for the purpose of preventing and detecting crime.
- There were no instances where confidential information was obtained.
- There were no reported instances of the Council having misused its powers under the Act.

## 2.4 Use of Acquisition & Disclosure of Communications Data

For the Period 1 January 2013 – 31 December 2013 – As reported to the IOCCO in January 2014

No. of Notices Requiring Disclosure of Communications Data	0
No. of Authorisations to Acquire Communications Data	7
No. of Applications Submitted to a Designated Person for communications data which were rejected	0
No. of Authorisations and Notices processed by NAFN	7

- All of the requests covered core functions permitted by the Act and were for the purpose of preventing and detecting crime.
- There were no instances where confidential information was obtained.
- There were no reported instances of the Council having misused its powers under the Act.

## 2.5 RIPA Training

While no training was provided in 2013, a RIPA awareness session was held in June 2014. Elected members, magistrate's personnel and Council Officers from core function departments, HR, Legal and those who play a key role in implementing and/or managing CCTV systems were invited.

There is no requirement to provide training on an annual basis.

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

### 3.1 Not applicable

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

### 4.1 Upon approval of the report, statistical information relating to the authority's use of RIPA will be published to the Council's Internet page in order to support its commitment to the openness and transparency agenda.

## 5. **Comments from Executive, Resources**

- 5.1 **Financial implications** – The Council has budget provision to cover the cost of the training, which is delivered by an external trainer who specialises in RIPA legislation. Regulatory Services also pays a subscription of £1,487 to the National Anti-Fraud Network (NAFN), who act as the authority's Single Point of Contact for communications data requests. The SPoC role is a specialist one and officers believe that the Council still receives value for money for this service. Other incidental charges are also applied by the telephone companies in providing the data. The Data Retention and Investigation Powers Bill is proposing that all local authorities will be required to use NAFN in order to access communications data. There are no other direct financial implications arising from this report.
- 5.2 **Legal implications** – There are no new changes to the RIPA provisions introduced by The Protection of Freedoms Act 2012 and The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012, which amended the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, SI 2010/521.

Consideration and endorsement by Members ensures that appropriate scrutiny is in place. Consideration of RIPA activity as recommended by the OSC guidance ensures that such activity is subject to appropriate scrutiny and control.

## **6. Other implications**

While the changes in law introduced an additional step into the process, given the Council's low use of its powers under RIPA, it has not resulted in any significant delays for planned operations. Routine patrols, observation at trouble 'hot spots', immediate response to events and overt use of CCTV do not require RIPA authorisation.

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

As and when judicial approval is sought to use these powers, it will help support the Council's core aims by preventing and detecting crime associated with enforcement activities such as: investigations relating to counterfeiting and fraudulent trading activity, or underage sales of alcohol or tobacco.

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

The requirement for the Council to seek judicial approval for any proposed use of its powers under the Regulation of Investigatory Powers Act 2000, as amended by the Protection of Freedoms Act 2012, reduces the risk of the Council using such powers inappropriately or unlawfully. This will help ensure any evidence gained from such use will be admissible in a court of law.

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

There is no additional impact on the Council.

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

When submitting a request for authorisation to use RIPA, or the use of a Covert Human Intelligence Source, consideration is given to any impact on equalities.

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

There are no implications on the environment.

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

There are no implications on partner organisations.

**Report author(s):**

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**Directorate:** People / Resources

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Legal: H Lynch	Place & Regulatory Team Manager	Resources Directorate	28 August 2014	1 September 2014
Director: C West	Executive Director	Resource Directorate		
Members: Councillor Townshend	Councillor	Coventry City Council		

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## **Public report** Cabinet Member Report Council Report

Cabinet Member (Policing and Equalities)

2 October 2014

Council

7 October 2014

### **Name of Cabinet Member:**

Cabinet Member (Policing and Equalities), Councillor Philip Townshend

### **Director Approving Submission of the report:**

Executive Director, Resources

### **Ward(s) affected:**

N/A

### **Title:**

Change to the Constitution: Appointment to Appeals Committee

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### **Is this a key decision?**

No

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### **Executive Summary:**

The Appeals Committee has responsibility for the determination of appeals against any decision made by or on behalf of the Council where there is a statutory right of appeal. Some appeals, such as school admission appeals, are excluded from its terms of reference. In practice most, if not all, appeals heard are by employees although occasionally there is an appeal in connection with social services home care charges. Membership of the Committee is drawn on an ad hoc basis from a pool of members who have received relevant training.

At present, the Appeals Committee Procedure Rules at part 3J of the Constitution do not allow Cabinet Members to sit on the Committee. This report recommends that the Constitution should be amended to permit Cabinet Members to sit on the Committee provided that they have received appropriate training. The ability to do this would be restricted to appeals by employees only and there is no proposal to extend membership to non-employee appeal hearings such as care charge appeals. It is also proposed that the operation of the new arrangements should be reviewed in the next municipal year to ensure that they are delivering the anticipated improvements.

### **Recommendations:**

#### **Cabinet Member**

- (1) To recommend to Council that paragraph 1 of Part 3J of the Constitution is amended to remove the prohibition on Cabinet Members sitting on the Appeals Committee in

connection with appeals by employees only, subject to their receiving appropriate training beforehand; and.

- (2) To review the operation of the new arrangements in the next municipal year to ensure that they are delivering the anticipated improvements.

## **Council**

Approve the amendment of paragraph 1 of Part 3J of the Constitution to remove the prohibition on Cabinet sitting on the Appeals Committee in connection with appeals by employees only, subject to their receiving appropriate training beforehand.

### **List of Appendices included:**

Appendix 1: Part 3J of the Constitution (Appeals Committee Procedure Rules)

### **Other useful background papers:**

None

### **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, 7 October 2014

## **Report title: Change to the Constitution: Appointment to Appeals Committee**

### **1. Context**

- 1.1 The Appeals Committee has responsibility for the determination of appeals against any decision made by or on behalf of the Council where there is a statutory right of appeal. Some appeals, such as school admission appeals, are excluded from its terms of reference. In practice, most of the business of the Committee relates to employee appeals although occasionally there is an appeal in connection with social services home care charges. Membership of the Committee is drawn on an ad hoc basis from a pool of members who have received relevant training. A total of 24 councillors have been trained and are therefore eligible to hear appeals.
- 1.2 At present, the Appeals Committee Procedure Rules at part 3J of the Constitution do not allow Cabinet Members to sit on the Committee. While certain aspects of employment matters may not be the responsibility of the Cabinet, Cabinet Members may lawfully participate on a committee determining an employee appeal.
- 1.3 The limited pool of councillors qualified and available to hear appeals means that it is sometimes difficult to find enough councillors for a hearing. This can lead to delays in hearing appeals. It is suggested that allowing Cabinet Members to participate in appeals (subject to carrying out the relevant training) will increase the number of potential committee members and so allow hearings to be arranged more quickly. It is increasing becoming difficult to arrange appeal hearing dates due to the lack of availability of panel members. In order to plan for forthcoming appeals with certainty and efficiency this matter there is an urgency for this matter to be determined as quickly as possible. Therefore the Constitutional Advisory Panel is not considering this report in the first instance.

### **2. Options considered and recommended proposal**

- 2.1 There are two options to consider. The first is to do nothing. This is not recommended as the current unsatisfactory situation with regard to finding sufficient councillors to form a Committee would continue. It is not efficient and unfair to the employee(s) concerned to wait any longer than is necessary.
- 2.2 The recommended option is to amend paragraph 1 of Part 3J of the Constitution to remove the prohibition on Cabinet Members sitting on the Appeals Committee. The removal of the prohibition is proposed in connection with appeals by employees only. The current position with regard to non-employee appeals, such as social services home care charges appeals would remain unchanged. Part 3J (Appeals Committee Procedure Rules) is attached as an Appendix to this report and the suggested amendment is shown.
- 2.3 It is recommended that if the proposals are agreed, they should be reviewed in the next municipal year to ensure that the new arrangements are delivering the anticipated improvements.

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

- 3.1 There has been no consultation on this proposal.

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

4.1 If approved, the change to the Constitution will be implemented immediately.

## **5. Comments from Executive Director, Resources**

### **5.1 Financial implications**

There are no financial implications arising from this report.

### **5.2 Legal implications**

While certain matters relating to staff and terms and conditions of employment are not by law to be the responsibility of the Cabinet, there is no legal restriction on Cabinet Members being member of Appeals Committee.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these are fit for purpose and are flexible enough to respond to changing circumstances.

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

None

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

None

### **6.4 Equalities / EIA**

None

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

None.

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

None.

## **Report authors:**

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**Directorate:**  
Resources

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Helen Lynch	Place and Regulatory Manager. Legal Services	Resources	17/09/2014	17/09/2014
Shokat Lal	Assistant Director HR and Workforce Services	Resources	17/09/2014	17/09/2014
<b>Names of approvers:</b> (officers and members)				
Finance: Carolyn Prince	Lead Accountant	Resources		
Legal: Christine Forde	Assistant Director Legal and Democratic Services	Resources	17/09/2014	17/09/2014
Member: Councillor Philip Townshend	Cabinet Member		23/09/2014	24/09/2014

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**PART 3J: APPEALS COMMITTEE PROCEDURE RULES**

1. An Appeals Committee will consist of Councillors ~~who are not Cabinet Members and~~ who have been trained in hearing appeals. Members who are Cabinet members may sit on an Appeals Committee which has been convened to hear appeals by employees but not on Appeals Committees dealing with other types of appeal.
2. The membership of each Appeals Committee and any Statutory Review Board will comprise the appropriate number of members as selected by the Executive Director, Resources on an ad hoc basis from a Panel of Councillors who have had training in determining appeals and any statutory or other requirements for review boards.
3. The Chair of an Appeals Committee or a Statutory Review Board will be appointed by the Committee or Review Board at the start of each meeting.
4. Each Appeals Committee will comprise three Councillors (subject to any statutory requirements to the contrary) and all three Councillors will be required to be present to consider the appeal.
5. No Councillor who has had any previous knowledge or dealings with the matter which is the subject of an appeal will be eligible to serve on an Appeals Committee that considers that matter. In relation to an Appeals Committee dealing with an employment dispute, no Councillor who is a trade union official, employee or other office holder shall be permitted to be a Member of the Committee.
6. Appeals Committees are subject to the Access to Information Procedure Rules set out in Part 3B.
7. Appeals Committees are the subject of the proportionality requirements set out in the Local Government and Housing Act 1989 and the Executive Director, Resources in selecting membership of any Appeal Committee or statutory review board will ensure that the membership properly reflects the political make-up of the Council.
8. Decisions of the Appeals Committees are not the subject of call-in.
9. The Executive Director, Resources or his or her representative will attend all meetings to advise and record proceedings.
10. Appeals Committees dealing with employment appeals or trade union disputes will have in attendance the relevant Senior Human Resources Manager or his or her nominee to advise as appropriate.



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2<sup>nd</sup> October, 2014

**Name of Cabinet Member:**

Cabinet Member (Policing and Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Executive Director, Resources

**Ward(s) affected:**

None

**Title:**

Outstanding Issues Report

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**Is this a key decision?**

No

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**Executive Summary:**

In May 2004 the City Council adopted an Outstanding Minutes System, linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member (Policing and Equalities) so he is aware of them and can monitor progress.

**Recommendations:**

The Cabinet Member (Policing and Equalities) is requested to consider the list of outstanding issues and to ask the Member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

**List of Appendices included:**

*Table of Outstanding Issues.*

**Other useful background papers:**

*None*

**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?**

No

**Report author(s):** Usha Patel

**Name and job title:** Governance Services Officer

**Directorate:** Resources

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<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Other members	Not applicable			
<b>Names of approvers:</b> (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

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	Subject	Date for Further Consideration	Responsible Officer	Proposed Amendment to Date for Consideration	Reason for Request to Delay Submission of Report
1	<b>Report back on Progress of ongoing Development of the Youth Space in Cope Street, Coventry</b>  Report back on progress  (CM(CS&E) 21 <sup>st</sup> March, 2013 (Minute 73))	tbc	Executive Director, People  Steve Wiles		
2	<b>Equality Strategy</b>  A copy of the report be sent to all members of the Strategic Management Board and all Cabinet Members with a request that where there is inadequate or poor performance in their areas of specific responsibilities, that they provide a report to the Cabinet Member (P&E) and to SCRUCO on or before 18 <sup>th</sup> Dec 2014.  (CM(P&E) 4 <sup>th</sup> Sept 2014 (Minute 25))	On or before 18 <sup>th</sup> December 2014	Chief Executive  Surindar Nagra/ Jenni Venn		
3	<b>Hillfields petitions report – Community Safety Issues in last 18 months</b>  Progress on recommendations made at meeting on 31 <sup>st</sup> July 2014  (CM(P&E) 31 <sup>st</sup> July 2014 (Minute 13))	6 <sup>th</sup> November, 2014	Executive Director, People  Bev Massey/ Mandie Watson		
4	<b>Use of Covert Surveillance of Employees Policy and Procedure</b>  Annual report, only if applications have been received.	Sept 2015	Executive Director, Resources  Helen Lynch		

	(CM(P&E) – 4 <sup>th</sup> Sept, 2014 (Minute 26))				
	<b>Equalities in Employment</b> Progress report (CM(CS&E) 5 <sup>th</sup> Sept 2013 (Minute 32))	tbc	Executive Director, Resources Shokat Lal		Information on equalities in employment to be submitted as part of the annual workforce planning report.
6*	<b>Effectiveness &amp; Quality of recent consultation exercises carried out by CCC</b>  Further report reflecting broader consultation & Scrucro's recommendations  CM(CS&E) – 18 <sup>th</sup> Dec 2013 (Minute 60)	2 <sup>nd</sup> October 2014	Chief Executive  Helen Shankster/ Jenni Venn		
7	<b>Magistrates Court Building</b>  Progress report  CM(CS&E) 24 <sup>th</sup> Feb 2014 (Minute 82)	6 <sup>th</sup> November 2014	Executive Director, Resources  Helen Lynch/ David Williams		
8*	<b>Petition – security fencing to open land at rear of 2-66 Brookside Avenue</b>  Report on progress of recommendations made at 3 <sup>rd</sup> July 2014 meeting.  (CM(P&E) 3rd July 2014 (Minute 3))	2 <sup>nd</sup> October 2014	Executive Director, People  Mandie Watson		
9*	<b>Petition – improve environment and security of Hearsall area of Earlsdon</b>  Progress report on recommendations made at 3 <sup>rd</sup> July meeting  (CM(P&E) 3 <sup>rd</sup> July 2014 (Minute 4))	2 <sup>nd</sup> October 2014	Executive Director, People  Mandie Watson		

10 *	<b>Petition – Whitefriars to address incidents of fly-tipping &amp; antisocial behaviour on Whitefriar's land on corner of Keppel Street/Wright Street</b>  Progress report on recommendations made at 3 <sup>rd</sup> July meeting  (CM(P&E) 3 <sup>rd</sup> July 2014 (Minute 5))	2 <sup>nd</sup> October 2014	Executive Director, People		
11	<b>Petition – Anti-social behaviour in Thompson Road, Keresley, Coventry</b>  Progress made on recommendations made at 31 <sup>st</sup> July 2014 meeting  (CM(P&E) 31 <sup>st</sup> July 2014 (Minute 11))	6 <sup>th</sup> November 2014	Executive Director, People  Mandie Watson		
12	<b>Community Grant Funds</b>  Recommendations for the second round of grants  (CM(P&E) 31 <sup>st</sup> July 2014 (Minute 15))	22 <sup>nd</sup> January, 2015	Chief Executive  Maureen Metcalf/Cat Parker		
13	<b>Dog Control Orders</b>  Outcome of public consultation  (CM(P&E) 4 <sup>th</sup> Sept 2014) (Minute 23)	On or before 18 <sup>th</sup> December 2014	Executive Director, People  Craig Hickin		

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By virtue of paragraph(s) 1, 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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