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### **Cabinet Member for Policing and Equalities**

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#### **Time and Date**

10.00 am on Tuesday, 13th March, 2018

#### **Place**

Committee Room 3 - Council House

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#### **Public Business**

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 6)

(a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 26<sup>th</sup> October, 2017

(b) Matters arising

4. **Response to a petition regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road.** (Pages 7 - 12)

Report of the Deputy Chief Executive (Place)

Note: Councillor Mrs Lucas and the petition organiser have been invited to the meeting for consideration of this item.

5. **6 Months Update: Response to a Petition regarding concerns over :anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close** (Pages 13 - 18)

Report of the Deputy Chief Executive (Place)

Note: Councillors N Akhtar, O'Boyle and Welsh and the petition organiser have been invited to the meeting for consideration of this item.

6. **Annual Compliance Report - Regulatory and Investigatory Powers Act (RIPA)** (Pages 19 - 26)

Report of the Deputy Chief Executive (Place)

7. **Outstanding Issues** (Pages 27 - 30)

Report of the Deputy Chief Executive (Place)

8. **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**

Nil

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Martin Yardley, Executive Director, Place, Council House Coventry

Monday, 5 March 2018

Note: The person to contact about the agenda and documents for this meeting is Michelle Rose Tel: 024 7683 3111; [michelle.rose@coventry.gov.uk](mailto:michelle.rose@coventry.gov.uk)

Membership: Councillors N Akhtar (By Invitation), P Akhtar (Deputy Cabinet Member), A Andrews (Shadow Cabinet Member), A Khan (Cabinet Member), A Lucas (By Invitation), J O'Boyle (By Invitation) and D Welsh (By Invitation)

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.

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**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Policing and Equalities**  
**held at 3.00 pm on Thursday, 26 October 2017**

Present:

Members: Councillor A Khan

Employees (by Directorate):

People B Barrett, , G Haynes, H Shankster

Place G Carter, L Knight, L Stockin

Apologies: Councillor P Akhtar and A Andrews

## **Public Business**

### **6. Declarations of Interest**

There were no disclosable pecuniary interests.

### **7. Minutes**

The minutes of the meeting held on 27<sup>th</sup> July 2017 were agreed and signed as a true record.

### **8. Progress Report Towards Equalities Objectives - Year End 16/17**

The Cabinet Member considered a report of the Deputy Chief Executive (People), which set out progress made with the equality objectives from April 2016 to March 2017.

On 14<sup>th</sup> July 2016, the Cabinet Member had approved the equality objectives for the Council, which were set out in the Appendix to the report. The equality objectives were linked to the Council Plan and were set for four years, or until the next refresh of the Council Plan.

There were 15 equality objectives, with progress towards them measured through a variety of means including performance indicators, comparators with other areas, contextual information and actions taken. Where possible, indicators were broken down by protected groups to ensure that all protected characteristics under the Equality Act had been considered, monitored and reported on.

In summary, there had been good progress in some areas, with lots of work being undertaken in relation to employment and training, in particular around the promotion of 'living wage and above' jobs. In addition, support was continuing to be offered to migrants with regard to accessing employment, work experience and higher education. There had also been a reduction in the number of teenage pregnancies and the number of alcohol related admissions to under 18s. However, there was also cause for concern, with the report indicating that there had been increases in first time entrants to the youth justice system and increasing numbers of children witnessing incidents of domestic violence. There had also

been an increase in the number of households accepted as statutorily homeless and a reduction in the number of homelessness cases prevented and relieved during the last year. However, it was noted that this was in the context of growing numbers of households experiencing poverty due to the impact of benefits cuts and the broader austerity measures.

Appendix 2 of the report set out the Draft Equality, Diversity and Inclusion Commitment, which set out the Council's commitments to its continuing duty as a public authority and having due regard to the need to eliminate discrimination, harassment, and any other conduct prohibited under the Equality Act 2010; recognising and celebrating diversity and ensuring equality or opportunity both as a provider and commissioner of services and a large employer; and developing a culture that embeds the effective management of equality, diversity and inclusion in its day to day practices, policies, procedures and through its external relationships.

**RESOLVED that the Cabinet Member for Policing and Equalities notes the progress made on the equality objectives at year end and approves the adoption of the Equality, Diversity and Inclusion Commitment.**

#### 9. **Draft Member/Officer Protocol**

The Cabinet Member considered a report of the Deputy Chief Executive (Place), which set out the draft Member / Officer Protocol.

In 2016, the Acting Monitoring Officer conducted a review of governance arrangements at the City Council in the light of two critical public interest reports which were issued in respect of other councils. As a result of that review, officers identified that it would be of benefit for the Council to approve and adopt a Member / Officer Protocol. The purpose of the Protocol was to set out for both members and officers what was expected of them in their respective roles and what they could expect from each other.

The Cabinet Member noted that a draft Protocol was approved by the Ethics Committee on 14<sup>th</sup> September 2017. As the protocol would be included in the Council's Constitution, it was also considered by the Constitutional Advisory Panel on 9<sup>th</sup> October 2017. The Panel agreed to recommend the approval of the Protocol to the Cabinet Member, subject to an amendment to paragraph 8.2.2 of the Protocol. This amendment was highlighted in the Draft Protocol appended to the report.

**RESOLVED that the Cabinet Member for Policing and Equalities:-**

1. **Approve the Draft Protocol as drafted, subject to the amendment of paragraph 8.2.2.**
2. **Recommends that the Council agree to its being included in the Constitution.**

10. **Proposed Amendment to the Constitution: Revocation of Hackney Carriage and Private Hire Driver's Licences**

The Cabinet Member considered a report of the Director of Finance and Corporate Services, which set out proposals for changes to the Hackney Carriage and Private Hire Licensing Scheme of Delegation, which forms part of Part 2M of Constitution to permit officers to revoke drivers' licences where public safety required it.

Under the current Scheme of Delegation, the Deputy Chief Executive (Place) and the Senior Licensing and Enforcement Officer have delegated powers to suspend a hackney carriage or private hire driver's licence where it was necessary that immediate steps be taken in the interests of public safety. Any such decisions were taken in consultation with the Chair of the Licensing and Regulatory Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor). This provision had been used by officers to suspend a driver following allegations of impropriety or criminal behaviour and pending the Committee's decision on whether to revoke the licence.

However, case law had confirmed that the power to suspend a licence under Section 61 of the Local Government (Miscellaneous) Provisions 1976 was a final decision on the question of a person's fitness and propriety. It could not be used as an interim measure pending further investigations into a driver's conduct.

This meant that if officers believe that an allegation is so serious that the driver should not be allowed to drive pending an investigation, they could not suspend the licence. The only options were:-

- (a) To allow the driver to continue to drive pending the matter coming to Committee, which could be some time; or
- (b) Delegate power to officers to revoke a licence where public safety requires it. The driver would still have a right of appeal.

It was therefore proposed that the Hackney Carriage and Private Hire Licensing Scheme of Delegation be changed to permit officers to revoke drivers licenses where public safety required it.

The Cabinet Member noted that the proposed change had been considered by the Constitutional Advisory Panel at its meeting on 9<sup>th</sup> October 2017. The Panel recommended that the Cabinet Member approve the changes.

It was further noted that powers were delegated to officers under the licensing scheme of delegation by the Licensing and Regulatory Committee and that a report would be going to the next meeting of the Committee to ask it to agree the change. It was therefore recommended that the Cabinet Member approve the change, subject to the agreement of the Licensing and Regulatory Committee.

**RESOLVED that the Cabinet Member for Policing and Equalities:-**

1. **Approve the proposed change to the Hackney Carriage and Private Hire Licensing Scheme Delegation, subject to the agreement of the Licensing and Regulatory Committee.**

2. **Recommend to the Licensing and Regulatory Committee that it approves the change in the Hackney Carriage and Private Hire Licensing Scheme of Delegation.**
3. **Recommend to Council that they agree to its being included in the Constitution.**

11. **Outstanding Issues**

The Cabinet Member considered a report of the Deputy Chief Executive (Place) that contained a list of outstanding issue items that would be submitted to future meetings and summarised the current position in respect of each item.

**RESOLVED that the Cabinet Member for Policing and Equalities approves the dates for future consideration of matters relating to the outstanding issue items listed in the report.**

12. **Any Other Business**

There were no other items of business.

(Meeting closed at 3.25 pm)



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Cabinet Member for Policing and Equalities

13<sup>th</sup> March 2018

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor A Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

Holbrooks

**Title:**

**Response to a petition regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road.**

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**Is this a key decision?**

No

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**Executive Summary:**

A petition of 17 signatures, sponsored by Councillor Lucas, Holbrooks Ward Councillor, regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road was submitted to the Council on 16<sup>th</sup> January 2018.

The council has subsequently arranged for a clearance of the site, and has improved site security with the introduction of 2 bollards and has arranged for a lamp column in the vicinity to be adapted so that it can accommodate a CCTV camera to allow for monitoring of the site.

This report details actions taken by the City Council

**Recommendations:**

The Cabinet Member is recommended to:-

1. Request Council officers [and West Midlands Police if relevant] to continue their monitoring of the area and respond accordingly to residents requests for assistance.
2. Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police and the Council as soon as they occur.
3. Reinstate the missing / broken bollards on the access roads from Selworthy Road so as to prevent unauthorised vehicular access to the rear entry.

4. Install a lamp column on Marshdale Avenue which has the capacity to accommodate a deployable CCTV camera. [This will allow all vehicles which enter the entry to be observed and footage can be checked if there are any further incidents of tipping]
5. Arrange for a clearance of all waste from site so that the area is left in a clean fly-tipped free state, this will allow the council to note any subsequent tipping. And hopefully deter further tipping on the site.
6. Install a no flytipping sign in the area, this will emphasise that flytipping is not acceptable and offer advice to residents as to who to report any subsequent tipping to.

**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:**

**Response to a petition regarding concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road.**

Context (or background)

- 1.1 On 16<sup>th</sup> January 2018, a petition signed by 17 people was received by the Council. The petition highlights residents' concerns over; lack of site protection, extensive flytipping and anti-social behaviour in the entry which serves Kirkdale Avenue and Selworthy Road.
- 1.2 The residents highlight that the area is constantly being fly tipped on and whilst the council will clear the site they want a long term solution to this issue.
- 1.3 Residents state that there are numerous incidents of anti-social behaviour, littering and fly tipping in the same area. This makes the area look dirty and untidy and encourages more flytipping. Residents are keen to have the issues addressed at the earliest opportunity.
- 1.4 Coventry City Council recorded data from January 2017 to January 2018 shows; 17 reports related directly to flytipping to the rear of Selworthy Road and Kirkdale Avenue. The Council therefore agrees that some action is required to reduce this activity and had been working with residents prior to receiving this petition.
- 1.5 Residents have requested that the council install 2 new bollards [drop down] within the entry to only allow authorised vehicular access the entry.
- 1.6 It must be stressed that the entry that runs between the 2 roads is effectively privately owned and is therefore the collective responsibility of all the residents who abut the entry [there is no deed of ownership therefore it is essentially a patch of no-mans land]. The council doesn't have any ownership or liability for this piece of land, however it was decided that in the interests of public health that the waste that has been dumped in the area would be removed at cost to the council.

**2. Options considered and recommended proposal**

- 2.1 In response to the petition, officers from the Council and have made contact with the ward Councillors, and officers have made numerous site visits and have spoken to many residents.
- 2.2 The Council are monitoring the situation. Extra patrols take place as duties allow and individuals found to be causing issues are challenged and appropriate action taken.
- 2.3 This particular area has been highlighted as a 'Hot Street' and as such weekly patrols are made of the area. In addition, specific visits are undertaken to collect reported fly tipping from this private land. All cases of fly tipping are investigated, with the appropriate course of action depending on any evidence found at the scene and witnesses to the offence(s).
- 2.4 In taking this matter forward the following recommendations are made to Cabinet Member:
  - 2.4.1 Request that the Council to continue their monitoring of the area and respond accordingly to residents request for assistance.
  - 2.4.2 Request that the council look into further target hardening of the site to include anti flytipping signs and the use of CCTV on the approach road to the entry.

- 2.4.3 Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to the council [and Police if relevant] as soon as they occur. **[note this was encouraged previously]**
- 2.4.4 Encourage community groups to assist the council with monitoring of the site, look to engage with local residents to set up 'street champions' in the area so that they can educate and inform others in the community leading to increased awareness of the issue on the site.

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

- 3.1 Officers have been in regular contact with the ward Councillors and have met with residents on numerous visits.

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

- 4.1 Officers from the council have already implemented some target hardening measures in the area notably the installation of the bollards on the access passages from Selworthy Road. This will ensure that only authorised vehicles are able to access the rear entry via this route. Officers will continue monitor the area and meet with residents when needed.
- 4.2 Officers have arranged for the adaption of the lamp column on Marshdale Avenue so that it can accommodate a CCTV Camera, this has been completed.
- 4.3 Officers from the council have arranged for the entry to be cleared of all waste, this has been completed.
- 4.4 It is not the intention of the Council to install the 2 new bollards within the entry itself. It is believed that the introduction of these bollards would be problematic, as no one would take ownership of the padlocks, and that leaving the site open but with monitoring of the site is the better option.
- 4.5 It may be an option to review this at a later date and look at installation of a height restriction barrier.

### **Comments from the Director of Finance and Corporate Services**

#### **5.1 Financial implications**

There are no financial implications arising from this report, all costs will be met from core budgets.

#### **5.2 Legal implications**

The Council has powers under the Environmental Protection Act 1990 and Anti-social Behaviour Crime and Policing Act 2014 to obtain orders in relation to individuals or areas where there is evidence of behaviour which is persistent and continuing and causes harassment alarm and distress to members of the community or is unreasonable and has a detrimental effect on the quality of life of those in the locality. Informal approaches should be considered in the first instance.

### **6 Other implications**

None

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

## **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer and our city cleaner and greener.

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

See paragraph 4.1 above.

### **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**

The Council has a zero tolerance approach to fly tipping. Where evidence is available, Council officers will take legal action against the perpetrators.

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

None

**Report author(s):** Martin McHugh

**Name and job title:** Street Enforcement Manager  
**Directorate:** Place Directorate

**Tel and email contact:** 02476 831809  
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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>				
Craig Hickin	Head of Environmental Services	Place Directorate	19.02.2018	20.02.2018
Graham Hood	Head of Streetpride and Greenspaces	Place Directorate	19.02.2018	20.02.2018
Michelle Rose	Governance Services Officer	Resources Directorate	19.02.2018	5.03.2018
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Cath Crosby	Lead Accountant	Resources Directorate	19.02.2018	20.02.2018
Legal: Gill Carter	Regulatory Crime & Licensing Lawyer	Resources Directorate	19.02.2018	20.02.2018
Andrew Walster	Assistant Director	Place Directorate	19.02.2018	20.02.2018
<b>Members: Name</b>				
Cllr Abdul Khan	Cabinet Member for Policing & Equalities		19.02.2018	20.02.2018

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[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

**Appendices : NA**



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Cabinet Member for Policing and Equalities

13<sup>th</sup> March 2018

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor A Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

St Michaels

**Title:**

**6 month update:**

**Response to a petition regarding concerns over; anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close.**

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**Is this a key decision?**

No

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**Executive Summary:**

A petition of 39 signatures, sponsored by Councillors Welsh, O’Boyle and Akhtar St Michael’s Ward Councillors, regarding concerns over; anti-social behaviour in the vicinity of Priors Harnall and Cawthorne Close, notably focussed around the greenspace to the rear of 16 – 22 Priors Harnall, was submitted to the Council on 14<sup>th</sup> June 2017. This was presented before the Cabinet member in July 2017.

An outcome of the meeting was that the police and council agreed to carry out more proactive patrols in the area. It was also agreed to adapt a lamp column within the grassed area adjacent to both streets so that it can accommodate a CCTV camera in readiness for the lighter nights. This will allow the monitoring of any ASB throughout the summer months when footfall is perhaps much higher. Additional patrols have been carried out by both the police and the council to ensure that any ASB can be monitored.

The police have also agreed to look into increased youth provision during the summer months.

Reporting of incidents by local residents to both the police and the council over the previous 6 months [Summer 2017] have been sparse.

This report details actions taken by the City Council and West Midlands Police.

**Recommendations:**

**The Cabinet Member is recommended to:-**

1. Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance.
2. Encourage residents to set up and create an active Neighbourhood Watch in the 2 area's and report incidents of concern to Police and the Council as soon as they occur.
3. Request that some form of youth engagement be initiated in the area before the warmer weather arrives to mitigate the impact that large numbers of children may have on the area.
4. Look at the use of CCTV in the area if it felt that there is a need to monitor criminal activity.

**List of Appendices included:**

None

**Background papers:**

None

**Other useful documents**

Cabinet Member for Policing and Equalities meeting agenda 27<sup>th</sup> July, 2017 and minutes

**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 On 14<sup>th</sup> June 2017, a petition signed by 39 people was received by the Council. The petition highlights residents' concerns with anti-social behaviour notably that young children and youths congregate around the green open space between Priors Harnall and Cawthorne Close in the St Michaels Ward. The residents highlight that young children are playing ball games within the grassed area within Cawthorne Close. They also state that in the evening there are older youths who congregate to the rear of the garage area and it is believed that they are taking drugs.
- 1.2 Residents feel intimidated and are regularly disturbed by the activity of these groups and state that there are also numerous incidents of dog fouling, littering and fly tipping in the same area. This makes the area look dirty and untidy and encourages more flytipping. Residents are keen to have the issues addressed at the earliest opportunity.

## **2. Options**

### **2.1 Initial recommendations** [prior to 27 July 2017 meeting with the Cabinet Member for Policing and Equalities]:

The Cabinet Member was recommended to:-

1. Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance.
2. Encourage residents to set up a Neighbourhood Watch in the area and report incidents of concern to Police and the Council as soon as they occur. A scheme currently operates in Cawthorne Close but there is no record of an active one in Priors Harnall.
3. Request that some form of youth engagement be initiated in the area, the police have agreed that once the lighter nights and warmer weather arrives they will look to ensure that there is more provision for youths in the area.

### **2.2 At the meeting on 27 July 2017 the Cabinet Member for Policing and Equalities decision was to:**

1. Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance.
2. Encourage residents to set up a Neighbourhood Watch in the area, with the support of officers and to report incidents of concern to Police and the Council as soon as they occur.
3. Request that some form of youth engagement be initiated in the area, with the assistance of the Positive Youth Foundation.
4. Request that Council officers, Ward Councillors and local residents consider the feasibility of a camera, with signage, in an appropriate place.
5. Agree that the Cabinet Member for Policing and Equalities discuss and investigate further, with the Cabinet Member for Jobs and Regeneration, the ownership of the land and potential solutions.

6. Request that a progress report back be considered in 6 months' time and the Assistant Police and Crime Commissioner be invited to the meeting.

### **3. Results**

#### **3.1 Review of the issues raised by the petition: Update on the actions taken:**

- 3.1.1 Request West Midlands Police and Council officers to continue their monitoring of the area and respond accordingly to residents requests for assistance. Officers will monitor the sites and report back on extent of the issue.

**Issues of an ASB or Police nature:** Update on issues in the area. Officers have made contact with the local policing team to ascertain if there had been any further issues of an ASB or Police nature in the 6 month period since the original petition was raised.

- **Cawthorne close:**

- No reports

- **Priors Harnall:**

- 3 reports in August 2017 concerning the same incident of youths climbing on garages.

**Issues of an environmental nature:** Officers have checked the council's database for both locations and have ascertained that in the 12 month period 01/01/2017 til 01/01/2018 there were the following:

- **Cawthorne close:**

- 3 incidents of flytipping reported to street services. [One since the petition]
- 1 abandoned vehicle reported [in Feb 2017 – before the petition]
- No other reports.

- **Priors Harnall:**

- 3 incidents of flytipping reported to street services [one since the petition]
- 1 reported to enviro crime [bed base and child's toy]
- 1 abandoned vehicle reported [since the petition- in Dec 2017]
- No other reports

- 3.1.2 Residents were encouraged to set up a Neighbourhood Watch in the area, records show that residents from Cawthorne Close has one set up, and that Priors Harnall have made initial enquiries.

- 3.1.3 The local policing team are looking to work with partner agencies in the community In order to provide youth engagement, this is intended to commence once the warmer weather arrives.

- 3.1.4 It was agreed that a lamp column on the green space would be adapted to as to assist the police and the council in identifying perpetrators of ASB. Officers had requested that a lamp column be adapted in the area, this had been delayed due to matters out of our control however it has now been installed in readiness for the lighter nights.

- 3.1.5 Agree that the Cabinet Member for Policing and Equalities discuss and investigate further, with the Cabinet Member for Jobs and Regeneration, the ownership of the land and potential solutions.

The council own the land and it is officially designated as highways land, however due to logistical and operational arrangements it is maintained by the streetpride and grounds teams.

Several residents wanted the land to be closed off and turned into an allotment garden, however once this was raised with colleagues in highways / streetpride and also public health, they all felt that the land should remain how it is. It is a valuable piece of greenspace in a heavily built up area. Other residents had approached us and claimed that they enjoyed having a space where their children could play, within sight of their houses.

- 3.1.6 As part of the original petition it was agreed that a review would be undertaken 6 months' from the original meeting. It was originally noted that the Police and crime commissioner could be invited, however in light of the low levels of reporting of issues this was not pursued. – I think if the evidence base had backed up the claims then officers could have requested that the Police and Crime Commissioner look into the matter – particularly around perceived issues with policing levels, however as there had been no further referrals of note it was felt that this would not have been a worthwhile use of his time.

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

Officers from the Council and the Police will continue to monitor the area and respond to all referrals from residents in a timely manner and meet with residents when needed.

#### **5 Comments from Director of Finance and Corporate Services**

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

There are no financial implications arising from this report, all costs will be met from core budgets.

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

The Council has powers under the Anti-social Behaviour Crime and Policing Act 2014 to obtain orders in relation to individuals or areas where there is evidence of behaviour which is persistent and continuing and causes harassment alarm and distress to members of the community or is unreasonable and has a detrimental effect on the quality of life of those in the locality. Informal approaches should be considered in the first instance.

#### **6 Other implications**

None

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

###### **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Council Plan in improving the quality of life for Coventry people by making communities safer and our city cleaner and greener.

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

See paragraph 4.1 above.

##### **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**

The Council has a zero tolerance approach to fly tipping, littering and dog fouling. Where evidence is available, Council officers will take legal action against the perpetrators.

**6.6 Implications for partner organisations?**

None

**Report author(s):** Martin McHugh

**Name and job title:** Street Enforcement Manager  
**Directorate:** Place Directorate

**Tel and email contact:** 02476 831809  
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<b>Names of approvers for submission: (officers and members)</b>				
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**Appendices : NA**



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Audit and Procurement Committee

19 February 2018

Cabinet Member for Policing and Equalities

8 March 2018

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor A Khan

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**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) governs the acquisition and disclosure of communications data and the use of covert surveillance by local authorities.

The Council uses powers under RIPA 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 three powers available to local authorities under RIPA: the acquisition and disclosure of communications data; directed surveillance; and covert human intelligence sources ("CHIS")

The Act sets out the procedures that Coventry City Council must follow if it wishes to use directed surveillance techniques or acquire communications data in order to support core function activities (e.g. typically those undertaken by Trading Standards and Environmental Health). 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 making decisions or specific authorisations for the local authority to use its powers under Part II of the Act, should review the Council's use of the legislation and provide approval to its policies. The Council adopted this approach for oversight of the authority's use of Parts I and II of the Act.

**Recommendations:**

The Audit and Procurement Committee are requested to:

1. Consider and note the Council's use and compliance with RIPA.
2. Forward any comments and/or recommendations to the Cabinet Member for Policing and Equalities.

The Cabinet Member for Policing and Equalities is requested to:

1. Consider any comments and recommendations provided by the Audit & Procurement Committee.
2. Approve the report as a formal record of the Council's use and compliance with RIPA.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Other useful background information:**

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?**

Yes – Audit and Procurement Committee – 22 January 2018

**Will this report go to Council?**

No

Report title: **Annual Compliance Report - Regulatory & Investigatory Powers Act (RIPA) 2000**

**1. Context (or background)**

- 1.1 RIPA governs the acquisition and interception of communications data and the use of covert surveillance by local authorities. The Council can only use powers under RIPA 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 (e.g. offences relating to counterfeit goods which carry a maximum penalty of 10 years in prison) or the offence is related to the underage sale of alcohol and/or tobacco.
- 1.2 Where the above criteria are met, Local Authorities can make an application for the acquisition and disclosure of communications data (such as telephone billing information or subscriber details) or directed surveillance (covert surveillance of individuals in public places); and the use of covert human intelligence sources (“CHIS”) (such as the deployment of undercover officers). The powers are most commonly used by Trading Standards. However, powers can also be used by other Council services if their offences meet the serious crime threshold, mentioned in 1.1 above.
- 1.3 RIPA sets out the procedure that local authorities must follow when applying to use RIPA powers. These include approval by Authorised Officers that the proposed use of the powers is “necessary and proportionate”. All applications must also be approved by the Magistrates Court before RIPA powers can be exercised.
- 1.4 The Council is required to have a Senior Responsible Officer to maintain oversight of the RIPA arrangements, procedures and operations. The Council’s Monitoring Officer performs this function and is responsible for the integrity of the Council’s process for managing the requirements under RIPA.
- 1.5 On the 1st September 2017, The Office of Surveillance Commissioners (OSC) and The Interception of Communications Commissioner’s Office (ICCO) were abolished by the Investigatory Powers Act 2016. The Investigatory Powers Commissioner’s Office (IPCO) is now responsible for the judicial oversight of the use of covert surveillance by public authorities throughout the United Kingdom.
- 1.6 The Assistant Surveillance Commissioner, Sir David Clarke inspected the Council’s RIPA arrangements in respect of directed surveillance on 8 December 2016. He found that the Council’s arrangements were “generally in good order” and “the use by the Council of its statutory powers is appropriate and that the “quality of authorisations” is good. One of the recommendations that he made was:
  - That Coventry City Council’s Policy and Guidance documents be further revised. A revised policy is being finalised and will go to a future Information Management Strategy Group and then to the Audit and Procurement Committee.

1.7 The acquisition of communications data is undertaken through the National Antifraud Network (NAFN). They act as the single point of contact for many local authorities and ensure the application is RIPA compliant. It is NAFN that are audited by the commissioners.

1.8 Details of the applications that the Council has made under RIPA are set out below:

1.8.1 Use of Directed Surveillance or Covert Human Intelligence Sources

For the Period 1 April 2016 – 31 March 2017 – As reported to the OSC in April 2017

No. of Directed Surveillance Applications Rejected	0
No. of Directed Surveillance Applications Granted	3
No. of Authorisations Presented to Magistrates	3
No. of Authorisations Granted by Magistrates	3
No. of Authorisations Rejected by Magistrates	0
No. of Directed Surveillance Operations Remaining Extant	0

For the Period 1 April 2017 – 31 December 2017

No. of Directed Surveillance Applications Rejected	0
No. of Directed Surveillance Applications Granted	1
No. of Authorisations Presented to Magistrates	1
No. of Authorisations Granted by Magistrates	1
No. of Authorisations Rejected by Magistrates	0
No. of Directed Surveillance Operations Remaining Extant	0

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

### 1.9.2 Use of Acquisition & Disclosure of Communications Data

No applications for the disclosure of communications data were made during the period 1 January 2017 – 31 December 2017.

### 1.10 RIPA Training

It is recommended good practice to provide RIPA training to all relevant officers periodically. Accordingly, one day's training session was delivered on 18 January 2017. Elected members, and Council Officers from core function departments, Legal and those who play a key role in implementing and/or managing CCTV systems attended.

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

2.1 The Audit and Procurement Committee is recommended to consider and note the Annual Compliance Report, which sets out how the Council has used its powers during the reporting periods of the individual Commissioners. In addition, the Committee is recommended to forward any comments or recommendations to the Cabinet Member for Policing and Equalities.

2.2 The Cabinet Member for Policing and Equalities is recommended to consider any comments or recommendations from the Audit and Procurement Committee, and approve the report as a formal record of the Council's use and compliance with RIPA.

## **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 Director of Finance and Corporate Services**

5.1 **Financial implications** – The Council has budget provision to cover the cost of the training, which was delivered by an external trainer who specialises in RIPA legislation. There are no other direct financial implications arising from this report.

5.2 **Legal implications** – The powers of local authorities have remained largely unchanged following the introduction of the Investigatory Powers Act 2016. However, Officers will continue to monitor the operation of RIPA and ensure that any amendments are incorporated into the Council's policy and procedures as appropriate.

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**

Whilst the requirement to obtain judicial approval 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, ad-hoc observations 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 Plan?**

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, 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:** Place

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Enquiries should be directed to the above.

<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>
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A Walster	Director (Streetscene & Regulatory Services)	Place Directorate	21.12.17.	22.1.18
T Miller	Head of Planning and Regulation	Place Directorate	21.12.17.	05.01.18
Davina Blackburn	Regulatory Services Manager	Place Directorate	21.12.17.	21.12.17
Rosebella Kotonya	Information Governance Officer	Place Directorate	20.12.17.	20.12.17
Lara Knight	Governance Services Co-ordinator	Place Directorate	20.12.17.	20.12.17.
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Cath Crosby	Lead Accountant (Business Partnering)	Place Directorate	21.12.17.	9.1.18
Legal: Julie Newman	Legal Services Manager and Acting Monitoring Officer	Place Directorate	20.12.17.	20.12.17.
Director: M Yardley	Deputy Chief Executive (Place)	Place Directorate	24.1.18	1.2.18
Members: Councillor A Khan	Councillor	Coventry City Council	6.2.18	6.2.18

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Cabinet Member for Policing and Equalities

13<sup>th</sup> March, 2018

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor Abdul Khan

**Director Approving Submission of the Report**

Deputy Chief Executive (Place)

**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 for Policing and Equalities so he is aware of them and can monitor progress.

**Recommendations:**

The Cabinet Member for 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>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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	<b>Subject</b>	<b>Date for Further Consideration</b>	<b>Responsible Officer</b>	<b>Proposed Amendment to Date for Consideration</b>	<b>Reason for Request to Delay Submission of Report</b>
1	<p><b>Petition - Response to a petition regarding concerns over anti-social behaviour in the vicinity of Priors and Cawthorne Close</b></p> <p>Request that a progress report back be considered in 6 months' time CM(PE) 27<sup>th</sup> July 2017 (Minute 3/17)</p>	13 <sup>th</sup> March, 2018	<p>Executive Director of Place</p> <p>Craig Hickin</p>		

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