



Cabinet Member for Policing and Equalities

Time and Date

3.00 pm on Thursday, 7th July, 2022

Place

Diamond Room 6 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 14)

(a) To agree the minutes of the Cabinet Member (Policing and Equalities) meeting held on 21 March 2022

(b) Matters arising

4. **Petition - Request for CCTV to be Installed in Caludon Park** (Pages 15 - 20)

Report of the Director of Streetscene and Regulatory Services

To consider the petition 'Requesting the installation of CCTV in Caludon Park' bearing 1858 signatures, which is being supported by Councillor F Abbott, a Wyken Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.

5. **Licensing - Introduction of a Discretionary Chargeable Pre-application Advice Service** (Pages 21 - 30)

Report of the Director of Streetscene and Regulatory Services

6. **Outstanding Issues**

There are no outstanding issues.

7. **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

Julie Newman, Director of Law and Governance, Council House, Coventry

Wednesday, 29 June 2022

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Email: usha.patel@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member) and AS Khan (Cabinet Member)

By invitation: Councillor P Male (Shadow Cabinet Member)

Public Access

Any member of the public who would like to attend the meeting in person is encouraged to contact the officer below in advance of the meeting regarding arrangements for public attendance. A guide to attending public meeting can be found here: <https://www.coventry.gov.uk/publicAttendanceMeetings>

Usha Patel

Email: usha.patel@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at
12.30 pm on Monday, 21 March 2022

Present:

Members: Councillor AS Khan (Cabinet Member)
Councillor P Akhtar (Deputy Cabinet Member)

Other Members: Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

Law and Governance: J Newman (Director), S Bennett, G Carter, G Holmes, S Harriott

Streetscene and Regulatory Services: G Hood, T Wetherhill

Apologies: Councillor P Hetherton, Cabinet Member for City Services

Public Business

29. Declarations of Interest

There were no declarations of interest.

30. Minutes

The Minutes of the meeting held on 10 February, 2022 were agreed and signed as a true record.

There were no matters arising.

31. Draft Urban Forestry Strategy

The Cabinet Member for Policing and Equalities considered a report of the Director of Streetscene and Regulatory Services which outlined progress being made in the development of the City Councils Urban Forestry Strategy (the Strategy). A copy of a draft Strategy was attached as an Appendix to the report.

The draft Strategy outlines the current condition and state of the urban forestry. The drafting of the Strategy included two workshops with Elected Members and the Coventry Tree Warden Network, to allow for ideas and aspirations to be included. Subsequently two phases of consultation have been undertaken, the first with internal departments and the second with key stakeholders and partners. The information received has been translated into the detailed action plan which supports the report.

The draft Strategy recognises the value and importance of the urban forest, particularly in mitigating pollution, heat, flooding and wind as well as its value towards biodiversity, wildlife, the community's health and wellbeing, overall quality

of the urban environment and economic value. A number of challenges and opportunities are discussed within the draft Strategy. Reductions in Government spending has led to a decreased spend in greenspaces and, as a result, lack of funding has been identified as a main constraint in both improving and maintaining the tree stock. The draft Strategy recommends that focus should be made in maximising funding through S106 agreements, exploiting opportunities arising from Regeneration and Business Improvement Districts in establishing sustainable urban forests, along with establishing effective partnerships with developers and landowners.

The importance of strategically managing the urban forest is highlighted and the draft Strategy makes reference to a number of Coventry City Council Policies which touch the City's urban forest including the Coventry City Council Area Action Plan, Development Strategy and the recently adopted Greenspace Strategy. The draft Strategy acknowledges the significant work done by Coventry's Urban Forestry team to explore new ways of working and provide better value for money in tree maintenance. A number of aspects are recognised as significant, including the management of all street trees, the adoption of Tree Risk management processes and procedures to ensure the establishment of new trees.

The draft Strategy contains themes and key actions on:

- Planning: ensuring we have robust and relevant urban forest policies and technical guidance to facilitate high quality design and development.
- Protection: putting biodiversity and the health of trees at the heart of all our work.
- Procedures: ensuring we have appropriate operational plans and processes that are regularly monitored and reviewed.
- Projects: developing and creating long term projects for the management and enhancement of the urban forest in Coventry.
- Prosperity: making the link with the urban forest and natural capital for sustainable economic regeneration.
- promotion: having a presence and getting the message across to all our stakeholders and customers.
- Partnerships: building on existing and facilitating new working relationships for the benefit of the urban forest in Coventry.
- Profile: having a presence and influencing colleagues, stakeholders and professional networks in decision making.
- Pioneering: using technology and new ways of working to create innovation and efficient working.

It was noted that the Cabinet Member for City Services, Councillor P Hetheron, has been kept informed of the development of the proposal as her portfolio responsibilities include trees on public highways.

The report indicated that the draft Strategy is at a final draft stage and ready to go out to public consultation, the outcome of which will be presented to full Cabinet for consideration and adoption.

RESOLVED that the Cabinet Member for Policing and Equalities:

- a) Notes progress in the development of the Urban Forestry Strategy through two phases of consultation, as detailed within the report.**
- b) Approves the undertaking of public consultation on the draft Strategy**

32. One Coventry Elected Member Training and Development Strategy

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the City Council provides a range of training and support for Members, including an induction programme for newly elected Members, specific training to support Members in roles such as members of Planning Committee or Licensing and Regulatory Committee, and specific topical issues as they arise. Members are also able to attend training and events run by other organisations. However, the uptake of training by Members has been low.

The environment in which Members work is constantly changing. Ensuring that Members are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important. Consultation with Members and officers suggest that the training offer has not kept pace with these demands and take up of what has been on offer has been low. With support from a Member Advisory Panel, improvements have been introduced over the last year and the report set out a strategic approach to make sure that the Member training offer meets current and future needs.

In order to enable executive oversight and strategic approach to training as well as raising the profile of training with Members, a Strategy has been developed to support the delivery and promotion of a Members' Training Programme. The draft One Coventry Elected Members Training and Development Strategy was attached as Appendix A to the report. The draft Strategy has been developed following research to identify how to support Members training and development needs and included consultation with Members. A summary of the research findings was appended as Appendix B to the report.

The Council's specific lead officer for Member Development was deleted following a restructure in 2014. Officer time has recently been identified within the Members and Elections Team to further develop the training and development offer for Members. The training budget has also been transferred from Organisational Development to Members and Elections with the aim to be able to identify and deliver the specific requirements of Members in respect of their training and development.

The draft Strategy covers:

- Purpose of the Strategy
- Assessing Need and Requesting Training
- Training Matrix
- Governance and Delivery

To oversee the governance and delivery of the Strategy, a cross-party Cabinet Member Advisory Panel has been established to review Members training needs, recommend a training and development programme to the Cabinet Member, monitor delivery of, and evaluate the programme to inform future planning. This Panel has been in place since September 2021. The Terms of Reference for this Panel were detailed in Appendix 1 of the draft Strategy.

In order to ensure that a wide range of training and development is offered to Members, a training matrix will be developed and endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated to ensure it meets Members' training need and will provide a programme of mandatory training, which all Members will be required to complete throughout their term of office. In addition to this there will be role specific mandatory training for those Members with special responsibilities, or who sit on specific Committees.

It is proposed that Mandatory training for all Members will include:

- Code of Conduct
- Fire Safety Awareness
- Safeguarding (Awareness) including Corporate Parenting
- Equality and Diversity
- Health and Safety in the Workplace
- Local Governance and Budget Setting
- Data Protection Law, Definitions and Principles with Information Security (annually)
- Mandatory induction programme for newly elected Members

Most of these training programmes are available through the Council's online learning portal, but preferred delivery style will be assessed through consultation with Members. There will also be Mandatory training for specific roles, for those Members who sit on Licensing and Regulatory Committee, Planning Committee, Audit and Procurement Committee, Shareholders Panels and HR Appeals Panel. It is proposed that the Constitution be amended to include, within the functions of each relevant Committee, the requirement that all Members shall have received appropriate training before carrying out any of the functions that are delegated to that Committee and that this role specific training should take place on an annual basis to ensure that decision making by Members is based on the most up to date and relevant information, legislation, and guidance.

It is also proposed that there will also be a programme of regular in-house supplementary training, identified by regular training needs analysis through consultation with Members. This will be organised and arranged, but not necessarily delivered, internally by Council officers. In addition to an in-house programme, Members will be able to request to attend ad hoc one-off training requests delivered by external organisations, such as the Local Government Association (LGA). A training request pro-forma will be developed and managed by the Members Training and Development Co-ordinator. There will be a budget allocated to enable one-off requests.

Members will also be able to request additional training, where several Members have identified that a greater understanding of an issue is required and is not

covered by the current offer. This will enable the training and development programme to be responsive and flexible to Members training needs.

RESOLVED that the Cabinet Member for Policing and Equalities:

- 1) Recommends that Council approves the One Coventry Elected Members Training and Development Strategy as appended to the report**
- 2) Recommends that Council approves the proposals for mandatory training for Members as identified in Section 3. and agree that the Constitution be amended to include within the functions of each relevant Committee the requirement that all Members of those Committees shall have received appropriate training before carrying out any of the functions that are delegated to that Committee.**

33. Proposed Changes to the Constitution

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and needs to be updated from time to time to ensure that it reflects changes in practices within the Council.

The Constitutional Advisory Panel at its meeting on 28 February 2022 considered a number of proposed changes to the Constitution. These were:

1. Revisions to the Coventry Shareholder Committee Terms of Reference: Part 2N of the Constitution

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2N - Coventry Shareholder Committee Terms of Reference there be:

- (a) An increase from the current maximum of 5 elected Members to a maximum of 10 elected Members at paragraph 2.1: Composition (NB minimum of 3 is to remain the same);

The Recommendation was made on the basis that increasing the number of elected Members to a maximum of ten will allow for more flexibility in the event of absence, greater knowledge sharing and more diversity amongst the Committee.

Following the meeting of the Advisory Panel the following additional proposal has been identified:

- (b) Additional wording to be inserted to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

This Recommendation was made on the basis that the Council is trustee for a number of charitable holdings. For example the Council is a trustee of various land owned by charities. At present there is no delegation in the Constitution for Key Decisions or other decisions that do not meet the threshold for Key Decisions in respect of these holdings. Annex A to the report details proposed wording in respect of the Constitutional Updates to delegate Key Decisions in relation to charitable holdings to the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.

2. Revisions to the Functions of Scrutiny, paragraph 6: Education Representatives: Part 2D

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2D - Functions of Scrutiny, paragraph 6: Education Representatives the introduction of:

- (a) a maximum four year term of office and minimum of two year term of office (which will be applicable to all Education Representatives);
- (b) removal of the requirement for a parent governor representative from both a maintained primary and secondary school in the City (instead introducing a requirement for a generic parent governor who could technically be from any maintained school) in keeping with the legislation in this area and to reflect the fact that Coventry now has no maintained secondary schools.

The Parent Governor Representatives (England) Regulations 2001 set out detailed provisions for Parent Governor Representatives (PGRs) on Scrutiny Board, including that they have voting rights, their term of office must be a minimum of 2 years and a maximum of 4 years and the Council must appoint at least 2 and a maximum of 5 PGRs. The maximum and minimum terms are also applicable to the other education representatives and the insertion of this wording will ensure that the terms are lawful and people in the positions know what is expected of them.

Where a PGR ceases to be a Parent Governor because their term of office at the school has expired, they are not disqualified from continuing as a PGR but this would only be for the term of their appointment as a PGR.

Part 2D of the Constitution deals with Scrutiny. In particular, paragraph 6 deals with education representatives and the Constitution divides PGRs into primary and secondary representatives. There is also nothing in the Constitution about what the term of office is which is required under the legislation. There are now no maintained secondary schools left in the city and the number of maintained primary schools is also greatly reduced. The most up-to-date version of this legislation has been checked and it is confirmed that the position remains the same and reference is only made to maintained schools but there is no stipulation that there must be a separate primary and secondary school PGR.

3. An update to the Management Structure: Part 6

The Advisory Panel recommended that the Cabinet Member recommend to Council that:

In respect of Part 6 – Management Structure that:

- (a) Changes to staff and job titles need to be reflected in Constitution as well as the fact that the Management Team are now known as the Strategic Leadership Team;
- (b) The changes to staff and job titles have also subsequently resulted in changes to delegations as these have been redistributed and should also be reflected throughout the Scheme of Delegation

4. Revisions to General Principles, Paragraph 6: Government Consultation: Part 2A

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2A - General Principles, paragraph 6: Government Consultation Papers:

- (a) The introduction of wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.

The Constitution currently stipulates that unless the Government Consultation Paper is of a technical nature, all responses will be taken to Council by default. Allowance is made for where the timescale does not permit this and then allows for the matter to be decided by Cabinet.

Practice has shown that deadlines are often relatively short on Government Consultation Papers. Although Council meet approximately once a month, resources are needed to be pulled together to answer the Government Consultation Paper and a consultation is required with the relevant Cabinet Member. It can be challenging to meet the deadline for the response and take the matter to Council as well. It is considered that oversight with the Cabinet Member is generally adequate. The Shadow Cabinet Member is also consulted and will give the cross-party position on the matter. Where the Government Consultation is high profile or of a particular matter of substantial public importance this could still go to Council and will be drafted into the updated wording.

5. Revisions to Taxi Licensing Delegations, paragraph 6.15: Part 2M

The Advisory Panel recommended that the Cabinet Member recommend to Council that in respect of Part 2M -Taxi Licensing Delegations, paragraph 6.15:

- (a) An addition be made to the Constitution to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the “Smoke Free Legislation” at Part 2M - Scheme of Functions Delegated to Employees, paragraph 6.15 Hackney Carriage and Private Hire Licensing Scheme of Delegation, as a new paragraph 1.

An officer in Taxi Licensing recently caught a persistent offender smoking in their vehicle for the third time after two fixed penalty notices (FPNs) were issued by Environmental Crime. Under the Constitution and in the Scheme of Delegation under Part 2M, para 6.10 – Director of Streetscene and Regulatory Services Delegations, and then under Environmental Crime at sub para 28(a), Heads of Service are able act in relation to “enforcement of the Smoke Free legislation”. Therefore the ability to issue FPNs, prosecute and take any other enforcement action in relation to smoking under the Health Act 2006 (and other related legislation) sits with officers in Environmental Crime. Taxi Licensing are unable to either issue FPNs or take this forward to prosecution, despite the fact that the Taxi Licensing officer in this case had the background knowledge to the offence.

The proposed amendment would only be intended for taxi related smoking violations similar in nature to the one described above and to ensure that that this authorisation is used correctly, prosecution would only be authorised on the written approval / consent of the City Solicitor.

The proposed changes to the Constitution were detailed in the Annexes to the report.

At the meeting, the Cabinet Member noted that the Education and Children’s Services Scrutiny Board (2) had considered the proposed changes in relation to co-opted Members at their meeting on 17 March, 2002 and had supported the proposals.

RESOLVED that the Cabinet Member for Policing and Equalities recommends to Council the approval of Recommendations (1) to (5) below, with immediate effect; and that Council authorises the Director of Law and Governance to make any necessary amendments to the Constitution.

- (1) **With regard to the Coventry Shareholder Committee Terms of Reference:**
 - (a) **The current maximum of 5 elected Members be increased to a maximum of 10 elected Members; and**
 - (b) **Approve additional wording to permit Key Decisions in relation to charitable holdings held by the Council on trust for a charity to be made by the Shareholder Committee as trustee, with decisions below the Key Decision threshold delegated to Directors, Heads of Service and Officers in the areas concerned.**
- (2) **With regard to the Functions of Scrutiny in respect of Parent Governor Representatives:**

- (a) **The requirement for a Parent Governor Representative from both a maintained primary and secondary school in the City be removed (instead introducing a requirement for a generic parent governor who could technically be from any maintained school); and**
 - (b) **A maximum four year term of office and minimum of two year term of office for Parent Governor Representatives be inserted into the Constitution.**
- (3) **The Management Structure in Part 6 and the Scheme Of Delegations in Part 2 to be updated to reflect changes to staff and job titles.**
 - (4) **The change of wording to permit Government Consultation Papers to be primarily considered by the relevant Cabinet Member as opposed to Council by default, unless the Government Consultation Paper is high profile or of a particular matter of substantial public importance.**
 - (5) **An addition to the Taxi Licensing delegations to allow Taxi Licensing officers to take enforcement action under the “Smoke Free Legislation” with the written permission of the City Solicitor**

34. Amendment to the Constitution - The Code of Good Planning Practice for Members and Employees Dealing with Planning Matters

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that the Members’ Planning Code of Good Practice (“Model Code”) was originally prepared in 2013-4 in response to a series of successful court challenges around local planning authorities and their Members’ conduct or conflicts of interests. The Model Code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time. A copy of the Model Code was attached as Appendix A to the report.

The report sought approval to adopt a revised Code of Good Planning Practice for Members and Employees Dealing with Planning Matters (“Revised Planning Code”), amendments to which have been made in line with the Model Code and to remove the Revised Planning Code (as adopted) from the body of the Constitution and instead append the final document to the Constitution. A copy of the proposed Revised Planning Code was attached as Appendix B to the report.

The Model Code takes into account the following:

- a) Updates to the Seven Principles of Public Life (the ‘Nolan principles’);
- b) Commentary from the Committee on standards in public life;
- c) The changes in the approach to codes of conduct;
- d) The changes to predetermination introduced by the Localism Act 2011;

- e) The guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

Whilst broadly similar to the Model Code, the proposed revised Model Code contains some differences to the LLG version, in keeping with established practice at Coventry City Council. The main changes are as follows:

- a) References to "you should", "your responsibility is" etc have been removed and replaced with "Members should", "Members' responsibility is etc";
- b) At paragraph 3.2 the word "must" is used in relation to mandatory training for Members before sitting on the Planning Committee, ensuring that all Member must be trained before they attend Planning Committee meetings;
- c) Reference is made to the Employee Code of Conduct in regards to "Respect" at paragraph 4.2 to reiterate that this value is embedded in both the Employee and Member Codes of Conduct;
- d) Consideration of "material interests" has been clarified at paragraph 7.3.3;
- e) Paragraph 7.4 has been removed in its entirety as bias may not just exist in relation to Council owned land.

The current Code of Good Planning Practice for Members and Employees Dealing with Planning Matters ("Current Planning Code") sits in the Constitution and has been absorbed into the Constitution over time despite the fact that it is a document that was intended to be "appended" to the Constitution.

The views of the Planning Committee had been sought on the proposed revisions and the Cabinet Member for Policing and Equalities was informed that Planning Committee had endorsed the proposed revisions with the following proposed modifications, which were accepted by the Cabinet Member:-

- 1) At paragraph 1.2 (part of the introduction) in the third sentence, the word 'your' to be replaced by the word 'their'.
- 2) The wording at Paragraph 7.3.3 and 7.3.4 (which relate to what Members should keep in the front of their mind when making a decision) to be revised as follows:-

- 7.3 Members should keep at the front of their mind that, when they come to make the decision, they:...
 - 7.3.3 represent the interests of the whole community,
 - 7.3.4 must do so in accordance with the development plan (Local Plan) unless material considerations indicate otherwise,
 - 7.3.5 must only take into account material planning considerations, which can include the views of the public where they relate to relevant planning matters (Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons),
 - 7.3.6 are to come to a decision after giving what they feel is the right weight to those material planning considerations.
- 3) Removal of "Part 4C" from the header and title and simply naming the document as – *Code of Good Practice for Members and Employees Dealing with Planning Matters* – on the basis that this document will be removed from the body of the Constitution and will instead be appended to the Constitution.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council adopts the Revised Planning Code as attached as Appendix B to the report with the modifications as outlined in 1) -3) above, with effect from the start of the 2022/23 Municipal Year and authorises the Director of Law and Governance to update the City Council's Constitution to remove the Revised Planning Code from the body of the Constitution and instead append the Revised Planning Code to the Constitution.

35. **Outstanding Issues**

There were no outstanding issues.

36. **Any Other Items of Urgent Public Business**

There were no other items of urgent public business.

(Meeting closed at 1.00pm)

This page is intentionally left blank



Cabinet Member for Policing and Equalities

07 July 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor A S Khan

Director approving submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

Wyken

Title:

Petition – Request for CCTV to be installed at Caludon Park

Is this a key decision?

No

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

This report responds to a petition containing 1858 signatures which was submitted to Coventry City Council in July 2021. The petition is supported by Councillor F Abbott and requests that the Council install CCTV AT Caludon Park.

The petition reads:

“We the undersigned petition the Council to provide CCTV coverage for the park to stop our children being assaulted and so that people are no longer afraid to walk through”.

The petition goes on to provide the following justification:

“After several recent attacks the local community have finally had enough”.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

- Consider the content of the petition and note the concerns of the petitioners.

- Note the number of reported issues of anti-social behaviour recorded at Caludon Park over the past 12 months.
- Note the cost of installing CCTV at Caludon Park is estimated at £15,692.19
- Note the park already has CCTV and the limited effectiveness it has in deterring crime and ASB.
- Endorse the actions being taken by the Parks Service Team and the Community Safety Team to reduce antisocial behaviour in Caludon Castle Park.

List of Appendices included:

Appendix 1: A location map of Caludon Castle Park including the location of the existing CCTV camera.

Background papers:

None

Other useful documents

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 title:

1. Context (or background)

- 1.1 Caludon Castle Park is an area of green space within the portfolio of Streetscene and Greenspace. It is a popular and highly valued park which is well used by the local community. The Park is a designated Green Flag Park which is an internationally recognised standard of excellence. The Park is situated within the Wyken Ward and is 99,010 sqm in area.
- 1.2 Approximately 10 years ago, the Parks Service independently purchased two NOMAD camera systems including one for Caludon Castle Park.
- 1.3 These cameras were independent to those managed by ESU or West Midlands Police and were not part of the City Council's core CCTV network. The cameras record images for 72 hours before it is overwritten. Any data therefore has to be downloaded within 72 hours of the incident. This has to be done on site via a laptop with suitable wireless technology. It can then be transferred to a Flash drive memory stick.
- 1.4 If the Police require any recorded footage, they first have to apply to the City Council Information Governance team and provide a completed WA170 Digital Viewing Request form. The Parks Service are then notified and meet with a designated police officer in the park with the dedicated laptop to download the required footage. The footage is then saved to a memory stick which is kept by the police. This is a laborious operation and no longer compliant with legislation including BS 7958:2015, the Information Commissioner's CCTV Code of Practice (www.ico.gov.uk) or the Coventry Communications Centre CCTV Control Room Code of Practice for CCT.
- 1.5 There are over 200 green spaces administered by Coventry City Council. The Parks Service receive many requests for CCTV to be provided in our parks and green spaces. Such requests need to be balanced against various considerations.

a. Cost

The cost of installing a new fully compliant CCTV system in Caludon Castle Park has been estimated (November 2021) at £15,692.19. There would also be a cost for linking the system via a fibre-optic cable to the new offices the Community Safety team at Whitley Depot. Although costs for this are not confirmed, the cost for linking a similar system from Longford Park to Whitley Depot is estimated to be at least a further £40,000. This does not include the annual monitoring and maintenance costs for the new cameras.

The cost for supplying and monitoring the number of cameras required to monitor the entirety of a large park such as Caludon Castle Park is outside of the Parks Service budget.

b. Number and severity of reported incidents

Overall, the number of reported incidents of crime and anti-social behaviour in Caludon Castle Park is relatively low. Over the past 12 months the police have received only 24 calls and attended only 4 recorded incidents relating to the park.

c. Camera effectiveness

It is impractical to provide a consistent level of visual surveillance across a natural green space such as a park. The landscape of parks in Coventry typically includes such natural features as hedges, shrubs and trees etc as well as buildings, play equipment and other large features providing blind spots to cameras. The perpetrators of crime and ASB are aware of the limits of CCTV and will take measures to avoid being seen by the cameras. This can include identifying and using the 'blind' spots and also wearing clothing such as caps or hoods or Covid-facemasks to hide their faces. Furthermore, the most frequent time for ASB and crime is in low light conditions such as at night when even new 'starlight' cameras are least effective.

- 1.6 Crime and ASB do still occur in Caludon Castle Park, albeit infrequently and despite the presence of existing CCTV. Even where new CCTV camera systems are installed in other parks and similar areas of the city, crime still occurs. Even though there are relatively few incidents of recorded anti-social behaviour in Caludon Castle Park, we are very much aware of the impact any crime or anti-social behaviour may have on the victims and the local community, especially when violence is involved. We consequently take the matter extremely seriously. In an on-going effort to keep crime and ASB as low as possible in Caludon Castle Park and others across the city, we work closely with colleagues in the Community Safety and receive support from the neighbourhood policing team who provide regular patrols of Caludon Castle Park. In this instance however we do not believe new cameras would deter anti-social behaviour from occurring within this park and hence cannot justify the cost of providing them. Furthermore, the need to comply with the new legislation governing CCTV and the apparent lack of effectiveness of the current cameras means we must remove the existing cameras.

2. Options considered and recommended proposal

- 2.1. The option of installing CCTV within the park has been rejected in consideration of the relatively low number of recorded incidents and its disproportionately high cost and limited effectiveness.
- 2.2. The option to do nothing has also been rejected. We will continue to work with the local police service and community safety team to maintain regular patrols of the park. We will work closely with local residents to encourage positive use of the park – including the creation of a new 'Friends of Caludon Castle' volunteers' group and to actively encourage visitors to the park to report any concerns or incidents. We will also review options for reducing the risk of crime/ ASB in the park and continue for other means to improve the safety of all visitors to the park.

The Cabinet Member for Policing and Equalities is requested to:

- Consider the content of the petition and note the concerns of the petitioners.
- Note the number of reported issues of anti-social behaviour recorded at Caludon Park over the past 12 months.
- Note the cost of installing CCTV at Caludon Park is estimated at £15,692.19
- Note the park already has CCTV and the limited effectiveness it has in deterring crime and ASB.

- Endorse the actions being taken by the Parks Service Team and the Community Safety Team to reduce antisocial behaviour in Caludon Castle Park

3. Results of consultation undertaken

- 3.1. No consultation has taken place on this issue

4. Timetable for implementing this decision

- 4.1. To be agreed subject to approval of a recommendation within this report.

5. Comments from Chief Operating Officer (Section 151 Officer) and Director of Law and Governance

- 5.1. Financial Implications

There are no financial implications arising from the recommendations of this report. The actions outlined in section 2.2 will be managed within existing resources.

- 5.2. Legal Implications

Assaults on individuals are crimes which are investigated by the police and prosecuted by the Criminal Prosecution Service and not the Council.

6. Other implications

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

Parks and green spaces are highly valued by the citizens of Coventry and contribute greatly to improving the quality of life to those that live and work in the city and help address health inequalities and provide valuable wildlife habitats

- 6.2. **How is risk being managed?**

Risk will be managed through the existing Place directorate risk profile.

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

Continued maintenance of the site will be delivered using existing resources.

- 6.4. **Equalities / EIA?**

No equality impact assessments have been undertaken.

- 6.5. **Implications for (or impact on) climate change and the environment?**

No direct impact

6.6. Implications for partner organisations?

There are no implications

Report author(s):

Graham Hood
Head of Streetpride and Greenspace

Service: Streetscene and Greenspace

Tel and email contact:

Tel: 02476 76 972066
Email: graham.hood@coventry.gov.uk

Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Law and Governance	16/06/2022	17/06/2022
Names of approvers for submission: (officers and members)				
Cath Crosby	Accountant Business Partner	Finance	16/06/2022	24/06/2022
Gill Carter	Team Leader, (Regulatory)	Law and Governance	16/06/2022	24/06/2022
Andrew Walster	Director (Streetscene and Regulatory Services)	Streetscene and Regulatory Services	28/06/2022	29/06/2022
Councillor A S Khan	Cabinet Member for Policing and Equalities	-	28/06/2022	28/06/2022

This report is published on the council's website: www.coventry.gov.uk/meetings



Public report

Cabinet Member Report

Cabinet Member for Policing and Equalities

7th July 2022

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All Wards

Title:

Licensing – Introduction of a discretionary chargeable pre-application advice service

Is this a key decision?

No - Although the matters within the report affect all wards in the city, it is not anticipated that the impact will be significant.

Executive Summary:

The purpose of this report is to seek approval for the introduction of a discretionary chargeable service for the provision of pre-application advice for licensing applications, and a check and send service for volume applications.

Recommendations:

The Cabinet Member is recommended to :

1. To approve the provision of a discretionary chargeable service for licensing pre application advice.
2. Adopt the proposed fees set out in Appendix A of the report.

List of Appendices included:

Appendix A – Pre-application advice fees and charges

Other useful background papers:

Licensing Act 2003
Local Government Act 1972
Scrap Metal Dealers Act 2013
Gambling Act 2005

Local Government (Miscellaneous Provisions) Act 1982
Localism Act 2011

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

Not applicable

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

Not applicable

Will this report go to Council?

Not applicable

1 Context (or background)

- 1.1 The licensing team are committed to working with applicants early in the application process to assist them with submitting a valid application and to ensure that the application that they submit will be acceptable. The licensing regime is often challenging and can deter some applicants from making an application, so we positively encourage pre-application advice as it can provide customers with clarity and reassurance about their application. It also enables officers to alert applicants to issues and concerns that may arise from their proposal.
- 1.2 Providing pre-application advice prior to an application being made is a discretionary service. Section 111 of the Local Government Act 1972 permits this discretionary service as it classed as conducive or incidental in relation to carrying out the licensing function.

2 Current arrangements

- 2.1 Currently, the licensing team offers pre-application advice free of charge to applicants who request this service (usually for new and variation applications). On average the time spent with an applicant providing this advice can take approximately one hour and an Officer can also conduct a site visit upon request and if necessary.
- 2.2 Under the Licensing Act 2003 applications for transfers and variations of designated premises supervisors have a much higher instance of applications being submitted, which are invalid upon receipt and require a lot of work for the licensing team to make right. Usually, this is because they have been submitted by a licensee who is not using an agent, and they have a poor understanding of the legal requirements.
- 2.3 The licensing team deal with a wide range of licensable activities under a range of different legislation the following applications are the most complex and time-consuming:
 - Licensing Act 2003: new premises, variations, minor variations, transfers, and variation to the designated premises supervisor.
 - Gambling Act 2005 (new premises, variations, and transfers)
 - Scrap Metal Dealers Act 2013 (new and renewals)
 - Local Government (Miscellaneous Provisions) Act 1972 – Sexual Entertainment Venues, Sex Establishments and Street Trading Consents.
- 2.4 Under licensing legislation, the Licensing Authority is both responsible for the administration and determination of applications. Although there is a statutory duty of the Council to administer applications, that duty does not extend to the provision of pre-application advice and assistance.
- 2.5 In 2021 the licensing team received 497 applications under the legislation noted in paragraph 2.3 and most of the more time-consuming applications required some form of statutory consultation with the responsible authorities.
- 2.6 Although the fact that the licensing team also process many more straightforward applications and notices, it is proposed that the discretionary pre-application fees only apply to those matters detailed in 2.3 above. This is because these applications are more complex and therefore officers could potentially spend a considerable time with the applicants.

3 Reason for recommendations

- 3.1 The proposal to introduce a discretionary chargeable pre-application service holds benefits for the Council. Officers believe that the assistance offered under the proposed discretionary scheme will benefit residents and persons present in the City. It will also assist an applicant making a suitable application, thus avoiding representations and the need for Licensing & Regulatory Sub-Committee hearing to determine applications, which is a cost to the Council.
- 3.2 From discussions with applicants, officers are aware that some are put off, for example, by the length of the application forms and the amount of technical information required in submitting a completed application. Although guidance notes and policies are publicly available on our website, the prescribed application process is inherently complicated, and often applicants do not have time to consider the guidance that is available.
- 3.3 In addition, officers routinely reject incomplete or incorrectly served applications, and these are then delayed or not resubmitted because applicants perceive the process to be too difficult or onerous. As a result, investment in the City is invariably affected by this because without the necessary licence authorisation, businesses cannot trade, which has implications of inward investment, local economic growth and potentially deprives local communities of welcome amenities.
- 3.4 Conversely, less experienced operators also submit very poorly considered applications that result in poor business practice and compliance. In many cases this results in adverse impacts on community well-being, for example by causing public nuisance or attracting crime and disorder.
- 3.5 Often instructing an agent to make applications on behalf of an applicant is costly, and an expense that applicants cannot afford. English is also not the first language for a high proportion of applicants, which makes the process more challenging when making licensing applications.
- 3.6 Officers currently spend a large amount of time providing advice or rectifying poorly completed applications, which then has an adverse impact on the other day to day work of the team, which is unsustainable. However, officers want to continue to assist applicants in advance as much as possible, so the introduction of fees to formalise the giving of advice, will be covered within the costs of running the service instead of being at the expense of it.
- 3.7 Many local authorities are already charging for licensing pre-application advice and a full benchmarking exercise has taken place when determining the fees.

4 Proposal & Process

- 4.1 The proposal is that potential applicants or persons indicating an interest in applying for a licence will be given the opportunity to take advantage of Officer assistance at the appropriate discretionary fee.
- 4.2 The level of pre-application advice and assistance required is determined by the type of application to be completed. The type of application will also determine the fee charged, as the more complex applications will require more bespoke advice and liaison with the responsible authorities. A site visit will be available to those applications that request it, at an additional cost and assistance with advertising the application will also be available at an additional cost. It is proposed that the advice is allocated on an hourly basis, therefore,

dependant on the experience and knowledge of the applicant, an applicant may need more or less time as appropriate.

- 4.3 The pre-application advice service provides the following advice and guidance relating to the completion of the applications forms and other statutory requirements (although not exhaustive):
- Advice on appropriate conditions, or how to comply with conditions where in force.
 - Advice on drawing up plans to accompany the application in accordance with any relevant regulations.
 - Assistance with advertising and notice.
 - Consultation with responsible authorities
- 4.4 A check and send service will be made available whereby officers will do a pre-submission validation check to ensure there are no errors or omissions that may invalidate the application and then distribute the validated application to the responsible authorities and/or consultees. This service will be preferable to those who do not require any pre-application advice, but just to make sure they have got it right first time. Those taking advantage of this service will avoid any unnecessary delays to applications and it will allow the application process to be more expedient.
- 4.5 The proposed fees are set out at Appendix A of this report. Costs are calculated based on the hourly rate (including on-costs) of the licensing officer post.
- 4.6 The pre-application service will apply to those applications set out in paragraph 2.3 of this report. The fees will be reviewed on an annual basis to determine if the service can be extended to encompass other licence types, to reflect any changes in the cost of providing the service (such as pay inflation) and to assess the effectiveness of the service.
- 4.7 Applicants who decide not to take advantage of the proposed new process will still be signposted to the relevant guidance notes and policies on our website. It is also important to ensure that the new process does not become overly bureaucratic. Consequently, no fees will be charged for straightforward queries that can be easily dealt with over the phone or by e-mail and do not require significant Officer time.
- 4.8 It is important to note that there will be a clear separation between officers that provide pre-application assistance and those who are responsible for the subsequent processing and in the case on certain applications (Minor Variations) the determination of an application. This will help to avoid any potential conflict from occurring. There are currently enough staff in the existing team to ensure an appropriate division of duties.
- 4.9 The introduction of the proposed discretionary fee structure will not affect the Council's statutory duties. Officers will carry out their statutory functions of processing the licence application and fulfil their role as the Licensing Authority and this will not be included in the discretionary charges.
- 4.10 The service manager will be responsible for on-going performance and compliance management of the pre-application service.
- 4.11 There are certain premises that are exempt from statutory applications fees, and these are set out in the Licensing Act (Fees) Regulations 2005
- 4.12 Where an application relates to the provision of regulated entertainment only (not alcohol) and that application is by or on behalf of an educational institution e.g., a school or college or a church hall, chapel hall or other similar building, or a village hall, parish hall,

community hall or other similar building, no fee is payable on application. Consequently, it is proposed to extend this exemption and not charge for pre-application advice for these premises.

5 Options considered and recommended proposal

5.1 There are two options available for the Cabinet Member of Policing and Equalities to consider:

5.1.1 Option 1 is to authorise the proposal contained within this report to introduce a discretionary chargeable licensing pre-application advice service on a cost recovery basis or:

5.1.2 To continue giving free advice at a cost to the Council or refuse to give advice to potential applicants. To do the latter may be contrary to the spirit of 'Better Regulation' and the new Regulators Code, whereby a 'partnership' approach to achieving compliance is encouraged. It is, therefore, appropriate to charge a fee.

5.2 Your Officer recommends Option 1 to enable the Council to continue to provide pre-application advice on a cost recovery basis.

6 Results of consultation undertaken

6.1 No consultation is required to be undertaken however, it is recommended that whenever fees are set, an explanation is provided to potential applicants as to how the fees are calculated to promote transparency and reasonableness.

7 Timetable for implementing this decision

7.1 If approved, the decision will have immediate effect.

8. Comments from Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance

8.1 Financial implications

The proposed fees have been calculated on a full cost basis, which considers both the direct and indirect costs associated with providing pre-application advice. This will ensure that pre-application customers pay a fair rate for the services provided.

The service currently has a target of £100k additional income to be achieved from commercialisation. It is estimated that this proposal will deliver £15,500 towards the target.

8.2 Legal implications

The Localism Act 2011 introduced a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not limited by the existence of any other power of the authority which (to any extent) overlaps the general power. This general power of competence can be exercised for the benefit of the authority, its area or person(s) resident or present – or otherwise.

The Localism Act also allows authorities to make a charge where it is not under a duty to provide the service and the person has agreed to the service being provided.

Providing pre-application advice prior to an application being made is a discretionary service. Section 111 of the Local Government Act 1972 permits this discretionary service as it classed as conducive or incidental in relation to carrying out the licensing function.

9 Other implications

None

9.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy

It is the Regulatory Services team's responsibility to ensure that members of the public in Coventry are not put at risk. This contributes to the Council's core aim of ensuring that citizens live longer healthier lives. Cost recovery of such a service will mean that costs are not taken from existing budgets.

9.2 How is risk being managed?

Decisions of Regulatory Services are open to challenge by way of Judicial Review. The fees and charges are designed to ensure our compliance with legislation minimising the risk of legal challenge.

9.3 What is the impact on the organisation?

None

9.4 Equalities / EIA

This decision will not affect the service provision and therefore details of the Equalities Impact Assessment are not relevant in this case.

9.5 Implications for (or impact on) climate change and the environment

None

9.6 Implications for partner organisations?

None.

9.7 Human Rights Act Implications

None.

Report author(s): Debbie Cahalin-Heath

Name and job title: Licensing & Business Compliance Manager

Directorate: Streetscene & Regulatory Services

Tel and email contact: 024 7697 2220

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Law and Governance	14/06/2022	16/06/2022
Davina Blackburn	Strategic Lead of Regulation	Streetscene & Regulatory Services	14/06/2022	15/06/2022
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Streetscene & Regulatory Services	14/06/2022	22/06/2022
Legal: Syeda Ahmed	Licensing Lawyer	Streetscene & Regulatory Services	14/06/2022	16/06/2022
Andrew Walster	Director	Streetscene & Regulatory Services	22/06/2022	22/06/2022
Councillor AS Khan	Cabinet Member for Policing and Equalities		27/06/2022	27/06/2022

Appendices

Appendix A – Proposed fees & Charges

Appendix A - Fees & Charges – Licensing
Pre - Application Advice

Small applications (Minor Variations, Transfers, Vary DPS, TEN)

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Advice and assistance with application form	£60	£72	£60	£72
Assistance with advertising	£30	£36	£30	£36
On Site Visit	£90	£108	£90	£108

Medium to Large applications (New and Variation)

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Advice and assistance with application form	£100	£120	£100	£120
Assistance with advertising	£30	£36	£30	£36
On Site Visit	£125	£150	£85	£102

Event Licences

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Advice and assistance with application form	£210	£252	£140	£168
Assistance with advertising	£30	£36	£30	£36
On-Site Visit	£300	£360	£150	£180

Street Trading Applications

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Advice and assistance with application form	£60	£72	£60	£72
On Site Visit	£90	£108	£90	£108

Scrap Metal Applications

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Advice and assistance with application form	£60	£72	£60	£72

Check and Send Service

	Minimum Fee		For Each Additional Hour	
	Excluding VAT	Including VAT	Excluding VAT	Including VAT
Per application	£30	£36	£30	£36