



Cabinet Member for Policing and Equalities

Time and Date

1.30 pm on Thursday, 25th August, 2022

Place

Diamond Room 6 - Council House

Public Business

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 8)

(a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 7 July 2022

(b) Matters arising

4. **Petition - Response to Request for the Installation of a Children's Play Area in Moseley Avenue Park** (Pages 9 - 22)

Report of the Director of Streetscene and Regulatory Services

To consider the petition 'Request for the installation of a Children's Play Area in Moseley Avenue Park' bearing 510 signatures, which is being supported by Councillor G Lloyd, a Sherbourne Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.

5. **Proposed Changes to the Constitution** (Pages 23 - 32)

Report of the Director of Law and Governance

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, 17 August 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), AS Khan (Cabinet Member) and P Male (Shadow Cabinet Member)

By invitation: Councillor P Male (Shadow Cabinet Member)

Public Access

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Usha Patel

Email: usha.patel@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 3.00
pm on Thursday, 7 July 2022

Present:

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

Employees Present:

D Cahalin-Heath, Streetscene and Regulatory Services
G Carter, Law and Governance
G Hood, Streetscene and Regulatory Services
U Patel, Law and Governance

Apologies: Councillor F Abbott (for Minute 39 below)

Public Business

37. Declarations of Interest

There were no declarations of interest.

38. Minutes

The minutes of the meeting held on 21 March 2022 were agreed and signed as a true record. There were no matters arising.

39. Petition - Request for CCTV to be Installed in Caludon Park

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which responded to a petition that requested CCTV to be installed at Caludon Park.

The petition bearing 1858 signatures was submitted to the Council in July 2021 and was supported by Councillor F Abbott. The petition read: “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”.

In addition, the petition provided the following justification: “After several recent attacks the local community have finally had enough”.

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.

Approximately, 10 years ago, the Parks Service independently purchased two NOMAD camera systems including one for Caludon Castle Park.

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 recorded over, therefore, any data has to be downloaded within 72 hours of the incident. This has to be done on site via a laptop with suitable wireless technology and can be transferred to a flash drive memory stick.

If the Police required any recorded footage, they had to apply to the City Council Information Governance Team and would need to provide a completed WA170 Digital Viewing Request form. The Parks Service would be notified and would meet with a designated police officer in the park and using a dedicated laptop, download the required footage. The footage would need to be saved to a memory stick to be kept by the police. This is a laborious and outdated operation and no longer compliant with legislation including BS 7958:2016, the Information Commissioner's CCTV Code of Practice or the Coventry Communications Centre CCTV Control Room Code of Practice for CCT.

There are over 200 green spaces administered by the City Council. The Park Service receive many requests for CCTV to be provided in our parks and green spaces. Such requests would need to be balanced against various considerations such as:

- a. Costs – the estimated cost of installing a new fully compliant CCTV system in the Park is approximately £15,700 (November 2021), with an additional cost of approximately £40,000 to link up the system. This did not include the annual monitoring and maintenance costs for the new cameras. The cost of supplying and monitoring the number of cameras required to monitor the entirety of a large park such as Caludon Castle Park was 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 was relatively low. Over the past 12 months, the police had received 24 calls and attended 4 recorded incidents relating to the Park.
- c. Camera effectiveness – it would be impracticable to provide a consistent level of visual surveillance across a natural green space such as a park. In addition, the perpetrators of crime and anti-social behaviour are aware of the limits of CCTV and would take measures to avoid being seen by the cameras. Furthermore, the most frequent time for ASB and crime to occur is in low light conditions such as at night when even new 'starlight' cameras are least effective.

Crime and anti-social disorder does still occur in the park, albeit infrequently and despite the presence of existing CCTV. Even where there are relatively new CCTV cameras installed in other parks around the city, they do not deter crime and anti-social behaviour. That said, all incidents, no matter how minor, are taken very seriously. In an on-going effort to keep crime and anti-social behaviour as low as possible in Caludon Park and other parks across the city, officers worked closely with colleagues in Community Safety and received support from the neighbourhood policing team who provided regular patrols of Caludon Park. In this

instance, it was believed that new cameras would not deter anti-social behaviour from occurring within this park and hence cannot justify the cost of providing them. Furthermore, with the need to comply with the new legislation governing CCTV and the apparent lack of effectiveness of the current cameras, meant that the existing cameras must be removed.

Officers would continue to work with the local police service and community safety team to maintain regular patrols of the park. Work would also continue with local residents to encourage positive use of the park and to consider the creation of a new 'Friends of Caludon Castle' residents' group.

Councillor F Abbott, the petition sponsor was unable to attend the meeting and had submitted comments for the Cabinet Member to consider. She stated that whilst she understood the cost implications of implementing new CCTV in the park, she also fully understood the concerns of the petitioners. She accepted that although the number of reported incidents were small, the serious nature of the incidents that had taken place had left local residents concerned about using the park.

Councillor Abbott further commented that she would welcome the promotion of local people using the park, the more it is used by local residents as a family venue, the safer the park would feel. Furthermore, she added that she would be grateful if officers could liaise with the petition organiser and Ward Councillors to find ways to promote the park for local residents and to identify any other appropriate measures that could be taken to ensure locals feel safe when using the park.

The Cabinet Member having considered the report, the representations made at the meeting and the comments submitted by Councillor Abbott, requested that officers continue to explore and secure all funding opportunities to facilitate the installation of new CCTV cameras in the park.

RESOVLED that, the Cabinet Member:

- 1. Considered the content of the petition and notes the concerns of the petitioners.**
- 2. Notes the number of reported issues of anti-social behaviour recorded at Cauldon Park over the past 12 months.**
- 3. Notes the cost of installing CCTV at Caludon Park is estimated at £15,692.19**
- 4. Notes the park already has CCTV and the limited effectiveness it has in deterring crime and anti social behaviour.**
- 5. Endorses the actions being taken by the Parks Service Team and the Community Safety Team to reduce antisocial behaviour in Caludon Castle Park.**
- 6. Requests officers to liaise with the petition organiser and Ward Councillors to find ways to promote the park for local residents and to**

identify any other appropriate measures that can be taken to ensure locals feel safe when using the park.

7. Requests officers to continue to seek out funding opportunities where possible to enable new CCTV cameras to be installed in the park.

40. Licensing - Introduction of a Discretionary Chargeable Pre-application Advice Service

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which sought approval to 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.

The Licensing Team (the 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 would be acceptable. The licensing regime is often challenging and could deter some applicants from making an application, so the team proactively encourage pre-application advice as it would provide applicants with clarity and reassurance about their application. In addition, it provided an opportunity for the team to highlight any issues or concerns with the proposals.

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 is classed as conducive or incidental in relation to carrying out the licensing function.

Currently, the team offers pre-application advice free of charge to applicants who request it. On average, this could take up to an hour and longer if a site visit was deemed necessary.

The team deal with a variety of licensable activities under a range of different legislation, with the following being 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

Under the licensing legislation, the Licensing Authority is both responsible for the administration and determination of applications and although it has a statutory duty to administer applications, that duty does not extend to the provision of pre-application advice and assistance.

In 2021, the team dealt with nearly 500 applications under the legislation detailed above with the most time-consuming ones requiring some form of statutory consultation with the responsible authorities. It was proposed that the discretionary pre-application fees be applied to applications made under the legislation listed above because those applications tend to be more complex and could potentially require more officer time.

The proposal to introduce a discretionary chargeable pre-application service would be beneficial to the Council and to the applicants. The introduction of fees to formalise the giving of advice would be covered within the costs of running the service as oppose to being at the expense of it.

The level of pre-application advice and the fee charged would be determined by the type of application to be completed. It was proposed that the advice would be charged on an hourly basis depending on the level of support needed by the applicant.

A check and send service would also be made available whereby officers would do a pre-submission validation check to ensure that there were no errors or omissions that may invalidate the application, thus avoiding any delays. This service would be preferable to those who did not require any pre-application advice.

The proposed fees were attached at Appendix A of the report and would be reviewed on an annual basis to determine whether the service could be expanded to cover other types of licence.

It was noted that other authorities were already charging for licensing pre-application advice and a full benchmarking exercise had been undertaken when determining the fees.

The proposal would require a clear separation between officers who would provide pre-application advice and those who would be responsible for the subsequent processing and in some cases, such as minor variations, the determination of an application; to avoid any conflicts from occurring.

Applicants who decided not to take advantage of this service would be signposted to the relevant guidance notes and policies available on the website. And it was important to note that no fees would be charged for straightforward enquiries which could be dealt with quickly either by phone or via email.

Certain premises are exempt from statutory application fees, as set out on the Licensing Act (Fees) Regulations 2005.

Where an application relates to the provision of regulated entertainment only (not alcohol) and where that application was made by or on behalf of an educational institution e.g. a school or a college, or a church, parish or village hall or similar building; no fee is payable on application. Consequently, it was proposed to extend this exemption and not charge for pre-application advice for these premises.

In considering the report, the Cabinet Member agreed to requests that mosques, temples and other places of worship also be included in the exemption noted above.

RESOLVED that, the Cabinet Member:

1. Approves the provision of a discretionary chargeable service for licensing pre-application advice.

2. Adopts the proposed fees set out in Appendix A of the report.

41. Outstanding Issues

There were no outstanding issues.

42. Any Other Business

There were no other items of public business.

(Meeting closed at 3.35 pm)



Cabinet Member for Policing and Equalities

25th August 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:

Sherbourne

Title:

Petition – Request for the installation of a children’s play area in Moseley Avenue Park

Is this a key decision?

No

Executive summary:

This report responds to a petition containing 510 signatures which was submitted to Coventry City Council in 16/08/2021. The petition is supported by Councillor Gavin Lloyd and the late Councillor Seamus Walsh and requests that the Council create a new Children’s Play area in Moseley Avenue Park.

The petition reads:

“We the undersigned petition the Council to consider that there are many children and adults who use this park in and around the area, more so over the past year with people taking their daily exercise allowance whether it be walking or walking the dog or children generally playing (on the grass or loose gravel) in the park with their parents. I have noticed an increase in young children using this park with nothing to play with or stimulate them. The nearest recreational children's play areas are Radford Road & Nauls Mill, both really serving opposite sides of the area to Moseley Avenue central. The particular area which would suit such a safe recreational installation used to be tennis courts and has been left derelict with loose gravel sitting on the surface for around 40 years now (speaking with local members of community). This area being as it has been left for so long seems the ideal space for development, giving families with young children a place for them to play safely, promote physical activity, health and wellbeing”

The petition also provides the following justification:

“The end goal is to create what is currently an unsafe and unsightly area in the local park, to a safe, enjoyable space where children can play, enjoy themselves and the community can come together”

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:

1. Consider the content of the petition and note the concerns of the petitioners.
2. Note that there is insufficient funding for a new playground to be provided from the existing Park Service budgets however the Service will consider all available funding opportunities available from any resource which may be used to create a new LEAP or NEAP at the earliest opportunity.
3. Agree that when opportunity and resources allow, a LEAP and/or NEAP playground should be provided in a suitable green space in or near to Moseley Avenue Park which will provide for children resident in the general area concerned.
4. Agree that plans for an alternative play feature for Moseley Avenue Park should be considered in the interim, separate to providing a LEAP or NEAP playground in or near to the park. This will be subject to the necessary funding being identified.

List of Appendices included:

Appendix 1: Location maps showing the location of Moseley Avenue Park and the catchment areas of neighbouring play facilities including separate maps for LEAPs and NEAPs..

Appendix 2: A detailed map of the park showing the relative size and location of the Tarmac area concerned.

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 Moseley Avenue Park is located in the NW of the City and is approximately 13,800 square metres in size (1.38ha) and contains a mixture of grassed areas, ornamental trees and an area of old Tarmac of approximately 1148 square metres which was once used for tennis.
- 1.2 The site is a small park in a quiet residential area with houses bordering the park on all sides, separated by a narrow road.
- 1.3 According to the Fields In Trust (FIT) criteria in their 'Guidance for Outdoor Sport and Play', children's playgrounds are separated into three categories:
- LAP or Local Area for Play. A playground aimed at very young children. No fixed play equipment but natural features to encourage imaginative games and basic infrastructure including footpaths, waste-bins, seating etc.
 - LEAP or Locally Equipped Area for Play (and informal recreation). A playground aimed at children who can go out to play independently. As per the definition of a LAP above but with 5 or more fixed pieces of play equipment and with appropriate infrastructure.
 - NEAP or Neighbourhood Equipped Areas for Play (and informal recreation). A playground aimed at older children. As per the definition of a LAP and LEAP as described above but with additional play equipment aimed at children of older age ranges and with additional features to encourage informal sport and recreation, e.g. hard-surfaced ball games area, skateboarding etc. typically used by older children / teenagers and young adults.
- 1.4 The city council has adopted the FIT accessibility standard for playgrounds in terms of their distance from dwellings. This equates to 100m for LAPs (<5 *minutes' walk*), 400m (5 - 10 *minutes' walk*) for LEAPs, and 1,000m (15 - 20 *minutes' walk*) for NEAPs. The relative distances are currently measured from the nearest boundary of the parks to the nearest dwellings rather than from the playgrounds or the park's nearest entrances.
- 1.5 The map in Appendix 1 shows the provision of LEAP and NEAP playgrounds within Coventry which are owned and maintained by the City Council and the approximate catchment areas of the playgrounds concerned, namely 400m from the boundary of the park containing a LEAP and similarly the 1000m catchment for a NEAP..
- 1.6 It can be seen that Moseley Avenue Park falls outside the catchment areas of the nearest playgrounds with a particular lack of any NEAP provision.
- 1.7 The City Council Parks Service have estimated the cost of creating a new playground to be approximately £91,915 for a LEAP and £219,662 for a NEAP.
- 1.8 The Parks Service are currently unable to commit to create new play facilities due to budget pressures. Funding may occasionally be available for the creation of new

playgrounds from sources such as Section 106 agreements (as part of the Town and Country Planning Act) or through external grants such as those available from the Landfill Communities Fund or WMCA Community Grant scheme. These are competitive grant programmes however and any application would need to be made by a relevant residents' group such as a 'Friends of Moseley Avenue Park'. No such group currently exists.

- 1.9 Playgrounds on land managed by the City Council's Parks Service are inspected by Streetpride on a weekly basis and also maintained by Streetpride as required. The repair and replacement of damaged or worn-out equipment is undertaken as necessary to ensure the equipment, safety surface and associated infrastructure is kept in a safe and usable condition. The budget for ongoing maintenance by Streetpride is severely limited and would not be adequate to maintain a new playground.
- 1.10 If a new playground were to be proposed for Moseley Avenue Park, any such proposal would need the full support of the residents living near to the park, especially those whose houses are on the other side of the road to the park.
- 1.11 The old Tarmac tennis courts within Moseley Avenue Park are suspected of being built on a clinker sub-base. Clinker was a by-product of industrial processes and is often contaminated with hazardous chemicals as a result. If the material beneath the Tarmac is contaminated, its removal and disposal would be especially expensive.

2. Options considered and recommended proposal

- 2.1. There is an absence of play facilities in the area of Sherbourne ward closest to Moseley Avenue Park if the area is to meet the Fields In Trust recommendations. The option to do nothing has therefore been rejected.
- 2.2. The Parks Service do not have the existing resources to fund a new play facility at Moseley Park Avenue even excluding any additional costs for dealing with any contaminated ground. Nor do Streetpride have capacity or funding to cope with any ongoing maintenance. The option for the Parks Service to fund the creation of a new playground is therefore rejected.
- 2.3. The recommended proposal is for the Parks Service to explore all funding opportunities including S106 agreements and external grants with a view to providing a suitable play facility in Moseley Avenue Park and explore options for providing a LEAP or NEAP within the area.
- 2.4. It is likely that some if not all the residents of properties which neighbour Moseley Avenue Park would oppose the creation of a LEAP or NEAP within the park due to the risk of noise and associated nuisance from ASB, especially after dark. As a result and in addition to the recommendation in 2.3 above, the Parks Service are considering the following ideas for converting the Tarmac area in Moseley Avenue Park to provide alternative forms of play to that of a playground with fixed play equipment. These options include:
 - 2.4.1 Creating a LAP in the park by capping off the Tarmac area with a layer of clay onto which soil mounds could be created and shaped and then planted with grasses etc. Logs and boulders or sculptures could be added to form a natural play area. This would be relatively cheap to create but may also have future issues with drainage and maintenance. This option is therefore rejected.

- 2.4.2 Covering the old Tarmac with a new wearing course onto which a 'pumptrack' for younger cyclists could be created by bolting down section of a preformed track. This would make good use of an otherwise unsightly area and be a somewhat unique feature in the city. It would also link in with the sustainability and cycling initiatives in the Coundon area. It would reduce the risk of excavating contaminated ground but not exclude it altogether. As a result, this would be likely to be an expensive option and is therefore rejected.
- 2.4.3 Covering the old Tarmac with a new wearing course onto which a road layout could be painted along with signage etc. This would enable very young cyclists to practise cycling skills before going onto the open road. Although this would not provide any fixed play equipment in the park, it would make good use of an otherwise unsightly area, link in with the sustainability and cycling initiatives in the Coundon area and avoid issues with excavating the contaminated ground. This is the preferred option for providing some form of play facility within Moseley Avenue Park, coupled with the proposal outlined in paragraph 2.5 below.
- 2.4.4 The preferred option as described above is estimated to cost up to £60,000. This relatively high cost for an apparently simple task of resurfacing the old Tarmac plus the cost of road-marking is due to limited access into the park, the presence of contaminated ground and the need to 'key' in the new Tarmac. The cost is based on the similar scheme in Spencer Park. The actual cost for the work at Moseley Avenue would be obtained via tendering the work however to obtain best value.
- 2.4.5 No funds are available from existing budgets for the works suggested in 2.4.3 above. The proposal would only be developed further if external funding is secured. Possible sources of funding could include a S106 agreement or an external grant as detailed in 1.8 above.
- 2.5 The area indicated within the map shown in Appendix 1 shows a deficit of play facilities in the part of Sherbourne Ward which includes not only Moseley Avenue Park but also Lake View Park. Lake View Park is a large area of green space with relatively few properties adjoining it. Although a proposal to put a new playground in Lake View Park was rejected some 10 years ago, this park is a better location for a new playground as it can be located sufficiently far away from neighbouring properties to reduce noise nuisance and associated ASB. This option is advocated as the location for a new LEAP or NEAP playground, if and when appropriate funding is secured – and with the support of the local residents of course.

The Cabinet Member for Policing and Equalities is requested to:

1. Consider the content of the petition and note the concerns of the petitioners.
2. Note that there is insufficient funding for a new playground to be provided from the existing Park Service budgets however the Service will consider all available funding opportunities available from any resource which may be used to create a new LEAP or NEAP at the earliest opportunity.

3. Agree that when opportunity and resources allow, a LEAP and/or NEAP playground should be provided in a suitable green space in or near to Moseley Avenue Park which will provide for children who are resident in the area concerned.
4. Agree that plans for an alternative play feature for Moseley Avenue Park should be considered in the interim, separate to providing a LEAP or NEAP playground in or near to the park. This will be subject to the necessary funding being identified.

3. Results of consultation undertaken

- a. No consultation has taken place on this issue

4. Timetable for implementing this decision

- a. 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

a. Financial Implications

The preferred option outlined in section 2.4.3 is estimated to cost up to £60k. However, there is currently no funding available for this. Officers will explore opportunities via a S106 agreement or external grant funding.

b. Legal Implications

No legal implications

6. Other implications

a. 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

b. How is risk being managed?

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

c. What is the impact on the organisation?

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

d. Equalities / EIA?

No equality impact assessments have been undertaken.

e. Implications for (or impact on) climate change and the environment?

No direct impact

f. Implications for partner organisations?

There are no implications

Report author(s):

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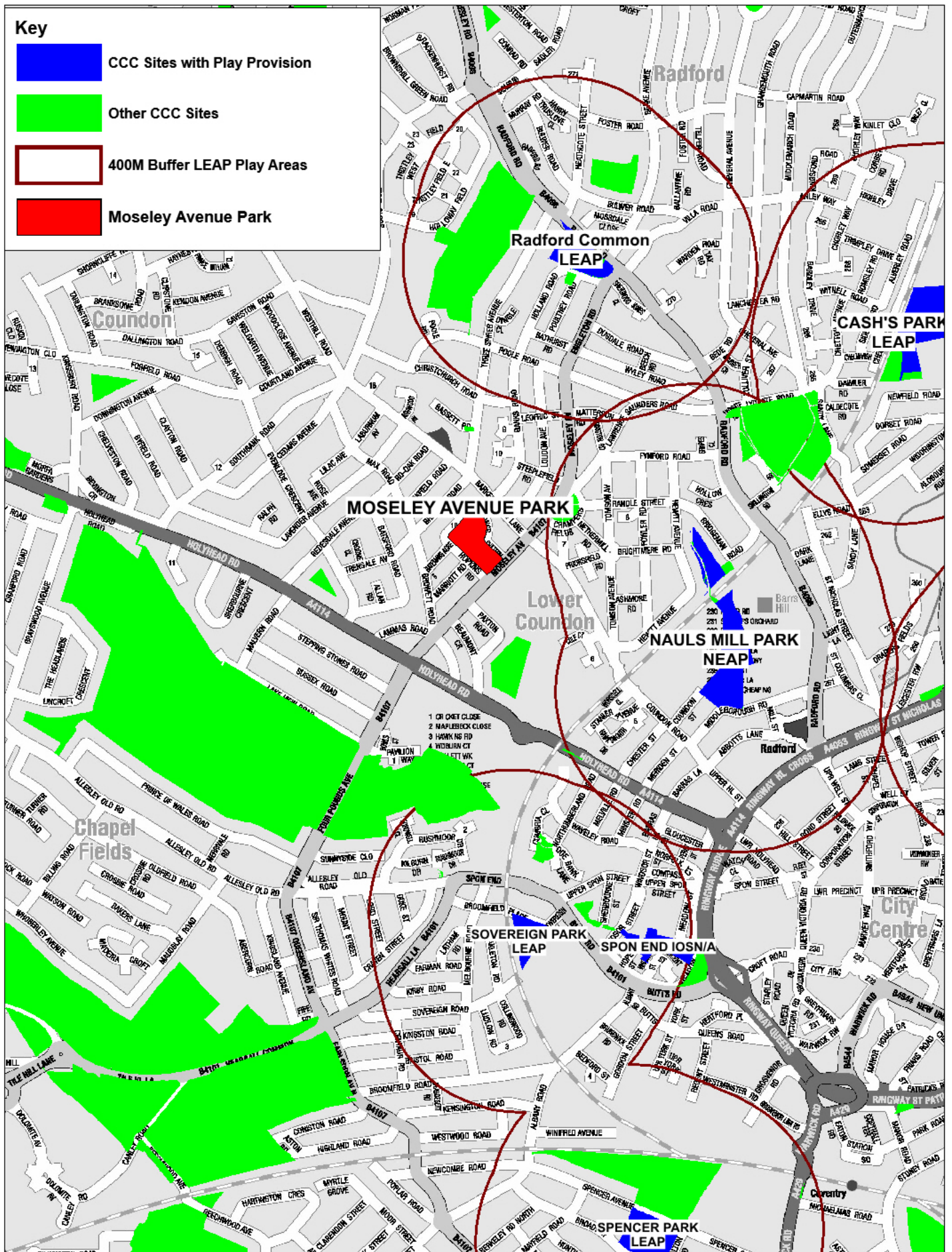
Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Cath Crosby	Accountant Business Partner	Finance	29 th July 22	4 th Aug 22
Gill Carter	Team Leader, (Regulatory)	Law and Governance	29 th July 22	3 rd Aug 22
Usha Patel	Governance Services Officer	Law and Governance	28 th July 22	29 th July 22
Names of approvers for submission: (officers and members)				
Andrew Walster	Director (Streetscene and Regulatory Services)	Streetscene and Regulatory Services		
Councillor A S Khan	Cabinet Member for Policing and Equalities	-	17 th July 22	17 th July 22

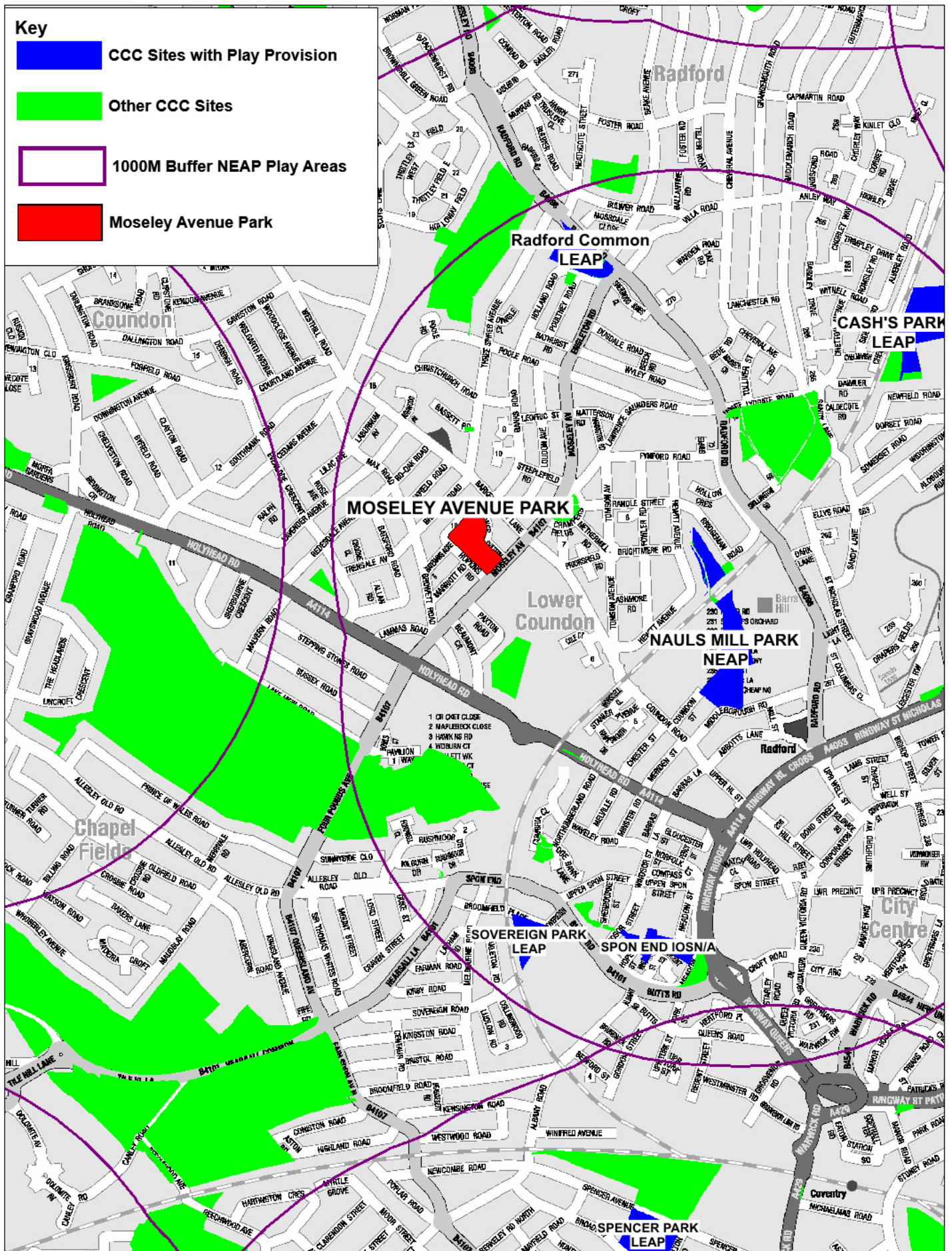
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Moseley Park 400m Buffers for LEAP Play Provision



Moseley Park 1000m Buffers for NEAP Play Provision




Moseley Avenue Park



Key

 Moseley Aveune Park 13,800 Sqm

 Tarmac area 1,150 Sqm

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Public report Cabinet Member Report

Cabinet Member for Policing and Equalities
Council

25 August, 2022
6 September, 2022

Name of Cabinet Member:
Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:
Director of Law and Governance

Ward(s) affected:
None

Title: Proposed Changes to the Constitution

Is this a key decision?
No

Executive Summary:

The Constitutional Advisory Panel at its meeting on 12 July 2022 considered proposed changes to the Constitution. These were:

- (a) Clarification of Notices of Motion for Council (paragraph 9.1 of the Council Procedure Rules); and
- (b) Casual Vacancy – Failure to Attend Meetings (insertion of a new paragraph into the Constitution to facilitate prompt declaration of a Casual Vacancy)

The Advisory Panel agreed all the proposed revisions. In addition to the above proposed changes, the following additional proposed change is recommended:

- Clarification of Notices of Motion for Council – Reference to be made to submission of Motions by electronic means and the removal of the requirement for the City Solicitor to retain Motions in a hard copy book.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend that Council approves Recommendations (1) to (2) below with immediate effect:

- (1) With regard to Notices of Motion, amendments to paragraph 9.1 of the Council Procedure Rules as detailed in Appendix A to this report;
- (2) With regard to Casual Vacancies following a failure to attend meetings, an amendment to the Constitution to delegate authority to the City Solicitor and Monitoring Officer as the Proper Officer of the Council, following consultation with the appropriate Group Leader (where applicable), to declare vacancies that occur in relation to Section 86 of the Local Government Act 1972, as detailed in Appendix B to this report.

Council is recommended to approve the Recommendations (1) to (2) above with immediate effect and to authorise the City Solicitor and Monitoring Officer to make any necessary amendments to the Constitution.

List of Appendices included:

- A. Appendix A: Revisions to paragraph 9.1 of the Council Procedure Rules
- B. Appendix B: Proposed new wording in respect of Casual Vacancies – Failure to Attend Meetings to be inserted at Part 2M - Scheme of Functions Delegated to Employees, paragraph 6.8 Chief Legal Officer (City Solicitor) delegations, as a new sub paragraph 13 (under the heading Functions in relation to Council Meetings and Members)

Other useful background papers can be found at the following web addresses:

N/A

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?

The proposals were considered by the Constitutional Advisory Panel at its meeting on 12 July 2022 (except where specified)

Will this report go to Council?

Yes – 6 September 2022

Report title: Proposed Changes to the Constitution

1. Context (or background)

- 1.1 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.
- 1.2 The Constitutional Advisory Panel at its meeting on 12 July 2022 considered proposed changes to the Constitution. These were:
 - (a) Clarification of Notices of Motion for Council (paragraph 9.1 of the Council Procedure Rules); and
 - (b) Casual Vacancy – Failure to Attend Meetings (insertion of a new paragraph into the Constitution to facilitate prompt declaration of a Casual Vacancy)
- 1.3 Further details of the main changes proposed are set out in Section 2 of this Report and more particularly in the Appendices to this report.

2. Options considered and recommended proposals

2.1 Clarification of Notices of Motion for Council (paragraph 9.1 of the Council Procedure Rules)

The proposed changes to paragraph 9.1 of the Council Procedure Rules are set out at **Appendix A**.

The Advisory Panel recommended that the Cabinet Member recommend to Council that the proposed amendments be approved.

- 2.1.1 The proposed change seeks to clarify the submission and consideration of Motions at Council meetings. The recommendation was made on the basis that research and anecdotal evidence suggests that the wording in the Para 9.1 has been in place since the mid to late 1990's and was introduced to prevent a proliferation of Motions being submitted at each Council meeting.
- 2.1.2 The Council Procedure Rules were reviewed in 2004/2005, following a number of long Council meetings. At that point, there was a Main Debate at each Council Meeting. These were selected by "the two main Political Groups" on a pro-rata basis, based on the number of seats per group. The Main Debate was in addition to Notices of Motion and each "Political Group" was entitled to submit one Motion per meeting. Following that review, Main Debates were deleted.
- 2.1.3 Since 2005, Motions have been submitted by "Political Groups". A Political Group consists of two or more people. A solo Member is not considered to be a Political Group, in line with the Local Government (Committees and Political Groups) Regulations 1990. Prior to June 2022, when a Motion was submitted by a Green Party Councillor, there had not been a request to

consider a Motion from an individual Councillor, supported by a Member from one of the Political Groups.

- 2.1.4 Para 9.1 is silent in relation to cross-party Motions and how these should be treated. Cross-party Motions considered at Council would normally occur after the agenda has been published, where both Political Groups have submitted a Motion on the same issue and then amend with a Motion that is proposed by a Member from one Political Group and seconded by a Member from another Political Group (for example the Motion on Volgograd considered in March 2022). This is allowed because under the Procedure Rules as there is no limitation on amendments in relation to Proposers or Seconders being from “one Political Group”.
- 2.1.5 There is a wide variety across the West Midlands in relation to how Council’s treat Motions (including cross-party Motions) and the number of Motions considered at each meeting. Where there are no limitations in place this can lead to a number of motions being considered which can impact on the length of meetings.
- 2.1.6 There was consensus by the Advisory Panel that there should continue to be one Motion submitted per Political Group. However there was agreement that that Motion could be signed (either to move or second) by any Member, including any individual Member or Member of a different Group.
- 2.1.7 In addition to the above proposed amendment, it is also recommended to update the Constitution in relation to the receipt and recording of receipt of Motions via electronic means. All Motions to be considered at Council meetings are available for public inspection as they are published on the Council website via the agenda.

2.2 Casual Vacancy – Failure to Attend Meetings (insertion of a new paragraph into the Constitution to facilitate prompt declaration of a Casual Vacancy)

The proposed new paragraph is set out at **Appendix B**.

The Advisory Panel recommended that there be amendments to the Constitution by delegating authority to the City Solicitor and Monitoring Officer as the Proper Officer of the Council, following consultation with the appropriate Group Leader (where applicable), to declare vacancies that occur in relation to Section 86 of the Local Government Act 1972.

- 2.2.1 The Council’s Constitution is silent on what happens when a Councillor fails to attend any meetings for six consecutive months. Section 85 (1) of the Local Government Act 1972 states that if a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meetings of the Council, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council.

- 2.2.2 While failure to attend any meetings for six consecutive months leads to that person ceasing to be a member of the Council, it does not automatically create a Casual Vacancy for electoral purposes at that point.
- 2.2.3 A Casual Vacancy does not occur until the Council declare the office to be vacant which should happen “forthwith”, as detailed in Section 86 of the Local Government Act 1972, ie immediately after the person has ceased to be a Member. As the Constitution is silent, the vacancy must be declared at a full Council meeting. There can therefore potentially be a delay between the person ceasing to be a Member and the vacancy occurring as it is dependent on the date of the next Full Council meeting.
- 2.2.4 Guidance suggests that it is good practice for Council Constitutions to provide delegated authority to the Proper Officer of the Council to declare vacancies that occur in relation to Section 86 of the Local Government Act 1972. The requirement for the Council to forthwith declare the office to be vacant places an expectation that this will happen without delay. By delegating authority to the Proper Officer, any such vacancies can be declared in the timely manner anticipated by the legislation. A Proper Officer appointment has not been expressly made in this instance, therefore the officer to whom a function is delegated is deemed to be the Proper Officer for that function. It is proposed that authority is delegated to the City Solicitor and Monitoring Officer to act to as Proper Officer for the purposes of declaring vacancies that occur in relation to Section 86 of the Local Government Act 1972. The current ability to declare a Casual Vacancy at a full Council Meeting will not be affected and this will be an additional tool to declare a Casual Vacancy and will only be utilised following consultation with the appropriate Group Leader (where applicable).
- 2.2.5 The proposal does not affect the ability of Council to declare the vacancy itself or to a dispensation to approve the absence of a Councillor for a longer period of 6 months in specific circumstances, for example illness.
- 2.3 **Option 1:** Do nothing. This is not recommended as the Constitutional updates identified above allow for clarification, compliance with the law, and more efficient use of the Council’s resources.
- 2.4 **Option 2 (Recommended):** Approve the Constitutional updates for the reasons as detailed at Option 1.

Recommendations:

The Cabinet Member is requested to recommend to Council the approval of the following Recommendations with immediate effect.

- (1) With regard to Notices of Motion, amendments to paragraph 9.1 of the Council Procedure Rules as detailed in Appendix A to this report; and

- (2) With regard to Casual Vacancies following a failure to attend meetings, amendments to the Constitution by delegating authority to the City Solicitor and Monitoring Officer as the Proper Officer of the Council, following consultation with the appropriate Group Leader (where applicable), to declare vacancies that occur in relation to Section 86 of the Local Government Act 1972 as detailed in Appendix B to this report.

Council is recommended to approve Recommendations (1) to (2) above with immediate effect and to authorise the City Solicitor and Monitoring Officer to make any necessary amendments to the Constitution.

3. Results of consultation undertaken

The proposed amendments have been considered by the Constitutional Advisory Panel who recommended their approval (except for where specified).

4. Timetable for implementing this decision

- 4.1 Any actions arising from this report will be implemented immediately following Council approval.

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

5.1 Financial implications

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

5.2 Legal implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6 Other implications

None

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

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3 What is the impact on the organisation?

No direct impact at this stage.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

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

None

6.6 Implications for partner organisations?

None at this stage.

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	26/07/22	09/08/22
Sarah Harriott	Corporate Governance Solicitor	Law and Governance	26/07/22	09/08/22
Adrian West	Members and Elections Team Manager		26/07/22	09/08/22
Names of approvers for submission: (officers and members)				
Graham Clark	Lead Accountant – Business Partnering	Finance	11/08/22	11/08/22
Councillor A S Khan	Cabinet Member for Policing and Equalities		15/08/22	15/08/22

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

Appendix A: Proposed wording in respect of Notices of Motion for Council, paragraph 9.1 of the Council Procedure Rules

Original text:

Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the City Solicitor at a location* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The City Solicitor will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion intended to be moved (and seconded) by a Councillor(s) of any one Political Group. The City Solicitor will enter every such motion and the time and date of its receipt in a book to be kept in a location designated by her/him and such book will be open to the inspection of every Councillor and will be open for public inspection.

*NB: the location currently designated is Room 79 in the Council House

Revised text with amendments in red:

Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the City Solicitor at a location* designated by her/him **or sent electronically to Governance Services**, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. **Any hard copy motions received will be date stamped and scanned by Governance Services.** The City Solicitor will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion ~~intended to be moved (and seconded) by a Councillor(s) of any one per~~ Political Group**. **Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group motion with the agreement of the Group Leader of the Political Group whose motion they are seeking to second. The City Solicitor will enter every such motion and the time and date of its receipt in a book to be kept in a location designated by her/him and such book will be open to the inspection of every Councillor and will be open for public inspection.**

*NB: the location currently designated is Room 79 in the Council House

** "Political Group" to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

Revised text - clean version

Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it

and by the Councillor intending to second it. The notice must be delivered to the City Solicitor at a location* designated by her/him or sent electronically to Governance Services, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. Any hard copy motions received will be date stamped and scanned by Governance Services. The City Solicitor will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion per Political Group**. Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group motion with the agreement of that Group Leader.

*NB: the location currently designated is Room 79 in the Council House

** "Political Group" to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

Appendix B: Proposed new wording in respect of Casual Vacancies – Failure to Attend Meetings to be inserted at Part 2M - Scheme of Functions Delegated to Employees, paragraph 6.8 Chief Legal Officer (City Solicitor) delegations, as a new sub paragraph 13 (under the heading: Functions in relation to Council Meetings and Members) with all remaining sub paragraphs from 13 onwards to be renumbered as one higher

Functions in relation to Council Meetings and Members		
13	To declare as Proper Officer, vacancies that occur in relation to Section 86 of the Local Government Act 1972, following consultation with the appropriate Group Leader (where applicable).	City Solicitor as Proper Officer