



### Cabinet Member for Policing and Equalities

#### **Time and Date**

1.30 pm on Thursday, 29th September, 2022

#### **Place**

Diamond Rooms 1 and 2 - Council House

#### **Public Business**

1. **Apologies**

2. **Declarations of Interest**

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

(a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 25 August 2022

(b) Matters arising

4. **Petition - Request for the Installation of a Children's Play Area in Moseley Avenue Park** (Pages 7 - 18)

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. **Response to Petition Requesting the Introduction of Digital Autopsy Facilities in Coventry** (Pages 19 - 24)

Report of the Director of Law and Governance

To consider the petition 'Introduce Digital Autopsy Facilities in Coventry' bearing a total of 980 paper and online signatures, which is being supported by Councillor G Ridley, a Woodlands Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.

6. **An Enhanced Role for the Street Enforcement Team** (Pages 25 - 32)

Report of the Director of Streetscene and Regulatory Services

7. **Outstanding Issues**

There are no outstanding issues

**8. Any Other Business**

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

**Private Business**

Nil

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

Wednesday, 21 September 2022

Note: The person to contact about the agenda and documents for this meeting is Usha Patel Email: [usha.patel@coventry.gov.uk](mailto: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)  
Councillor G Lloyd (for Item 4)  
Councillor G Ridley (for Item 5)

**Public Access**

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**Usha Patel**

**Email: [usha.patel@coventry.gov.uk](mailto:usha.patel@coventry.gov.uk)**

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 1.30**  
**pm on Thursday, 25 August 2022**

Present:

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

Employees Present: S Harriott, Law and Governance  
J Newman, City Solicitor and Monitoring Officer  
U Patel, Law and Governance

Apologies: Councillor P Male (Shadow Cabinet Member)

## **Public Business**

### **7. Declarations of Interest**

There were no declarations of interest.

### **8. Minutes**

The minutes of the meeting held on 7 July 2022 were agreed and signed as a true record. There were no matters arising.

### **9. Petition - Response to Request for the Installation of a Children's Play Area in Moseley Avenue Park**

The consideration of this item was deferred to the Cabinet Member scheduled for Thursday 29 September 2022.

### **10. Proposed Changes to the Constitution**

The Cabinet Member considered a report of the Director of Law and Governance which outlined proposed changes to the Constitution.

The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living documents which would need updating from time to time to ensure that it reflects changes in practices within the Council.

The Constitutional Advisory Panel at its meeting on 12 July considered the following proposed changes to the Constitution:

- (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).

(a) The proposed changes sought to clarify the submission and consideration of Motions at Council meetings. Since 2005, Motions have been submitted by

“Political Groups” which consist of two or more Members. 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 Member, supported by a Member from one of the Political Groups.

Paragraph 9.1 of the Constitution 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 had been published, where both Political Groups have submitted a Motion on the same issue which is then amended with a Motion that is proposed by a Member from one Political Group and seconded by a Member from another Political Group. This was allowed because under the Procedure Rules, there is no limitation on amendments in relation to proposers or seconders being from “one Political Group”.

There was consensus by the Advisory Panel that there should continue to be one Motion submitted per Political Group, however, that Motion could be signed (either moved or seconded) by any Member, including any individual Member or Member of a different Group.

It was proposed that Paragraph 9.1 be revised as set out below:

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 fulfil 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.

In addition, the Advisory Panel also recommended that the Constitution be amended to allow 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.

(b) 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.

While a failure to attend any meetings for six consecutive months leads to that person ceasing to be a member of the Council, it did not automatically create a Casual Vacancy for electoral purposes at that point.

A Casual Vacancy would 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, i.e. 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 could therefore potentially be a delay between the person ceasing to be a Member and the vacancy occurring as it would be dependent on the date of the next Full Council meeting.

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 would happen without delay. By delegating authority to the Proper Officer, any such vacancies could 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 was proposed that authority be 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 would not be affected and this would be an additional tool to declare a Casual Vacancy and would only be utilised following consultation with the appropriate Group Leader (where applicable).

The proposal would 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.

**RESOLVED that, the Cabinet Member recommends that Council approves Recommendations (1) and (2) below with immediate effect and authorises the City Solicitor and Monitoring Officer to make any necessary amendments to the Constitution:**

- 1. With regard to Notices of Motion, amendments to paragraph 9.1 of the Council Procedure Rules as detailed in Appendix A to the 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 the report.**

## 11. Outstanding Issues

There were no outstanding issues.

12. **Any Other Business**

There were no other items of public business.

(Meeting closed at 1.35pm)



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Cabinet Member for Policing and Equalities

29 September, 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

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**Is this a key decision?**

No

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**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 Locally Equipped Areas for Play (LEAP) or Neighbourhood Equipped Areas for Play (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/](http://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):**

Graham Hood  
Head of Streetpride and Greenspace

**Service:** Streetscene and Greenspace

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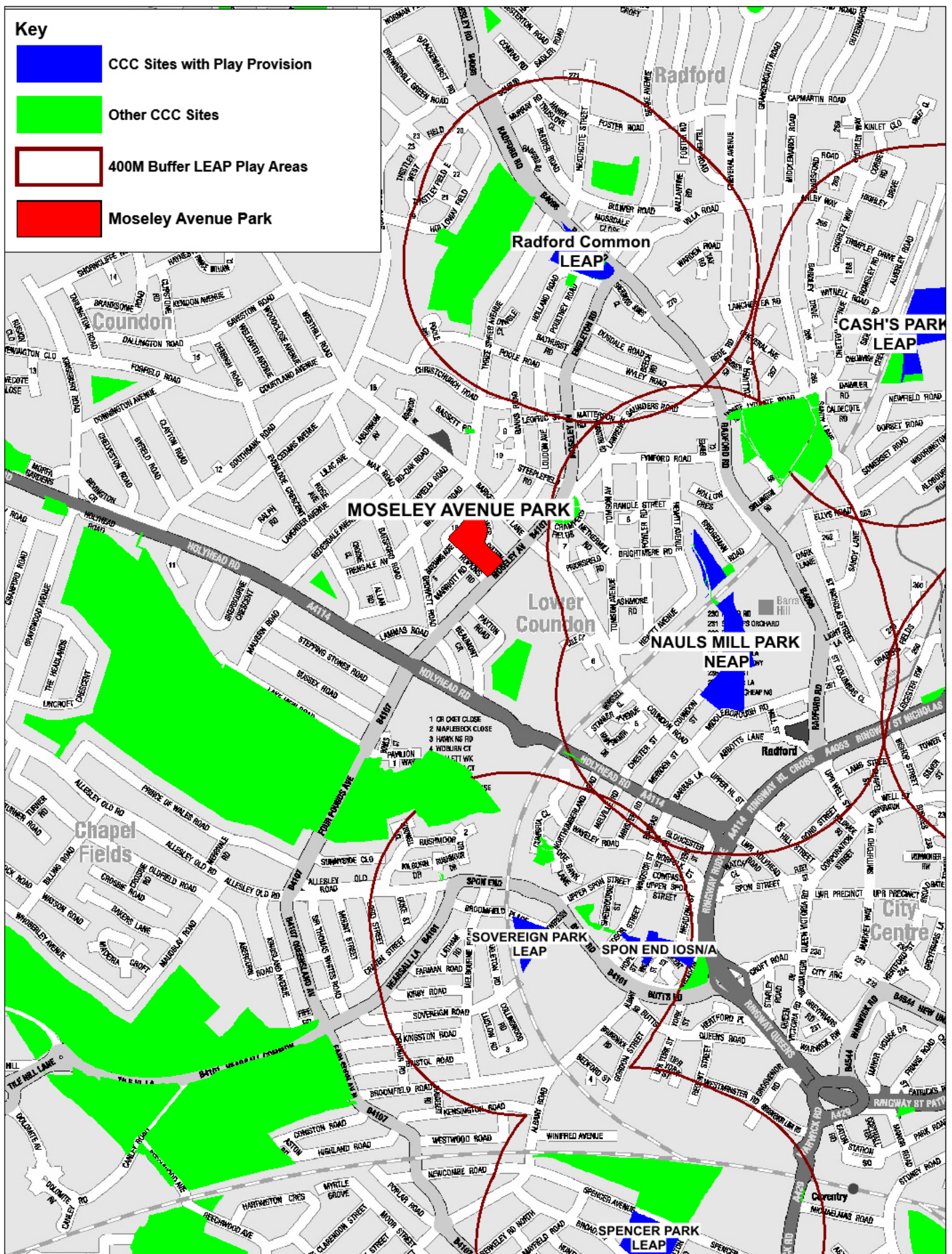
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<b>Contributor/approver name</b>	<b>Title</b>	<b>Service Area</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Cath Crosby	Accountant Business Partner	Finance	29 <sup>th</sup> July 22	4 <sup>th</sup> Aug 22
Gill Carter	Team Leader, (Regulatory)	Law and Governance	29 <sup>th</sup> July 22	3 <sup>rd</sup> Aug 22
Usha Patel	Governance Services Officer	Law and Governance	28 <sup>th</sup> July 22	29 <sup>th</sup> July 22
<b>Names of approvers for submission:</b> (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 <sup>th</sup> July 22	17 <sup>th</sup> July 22

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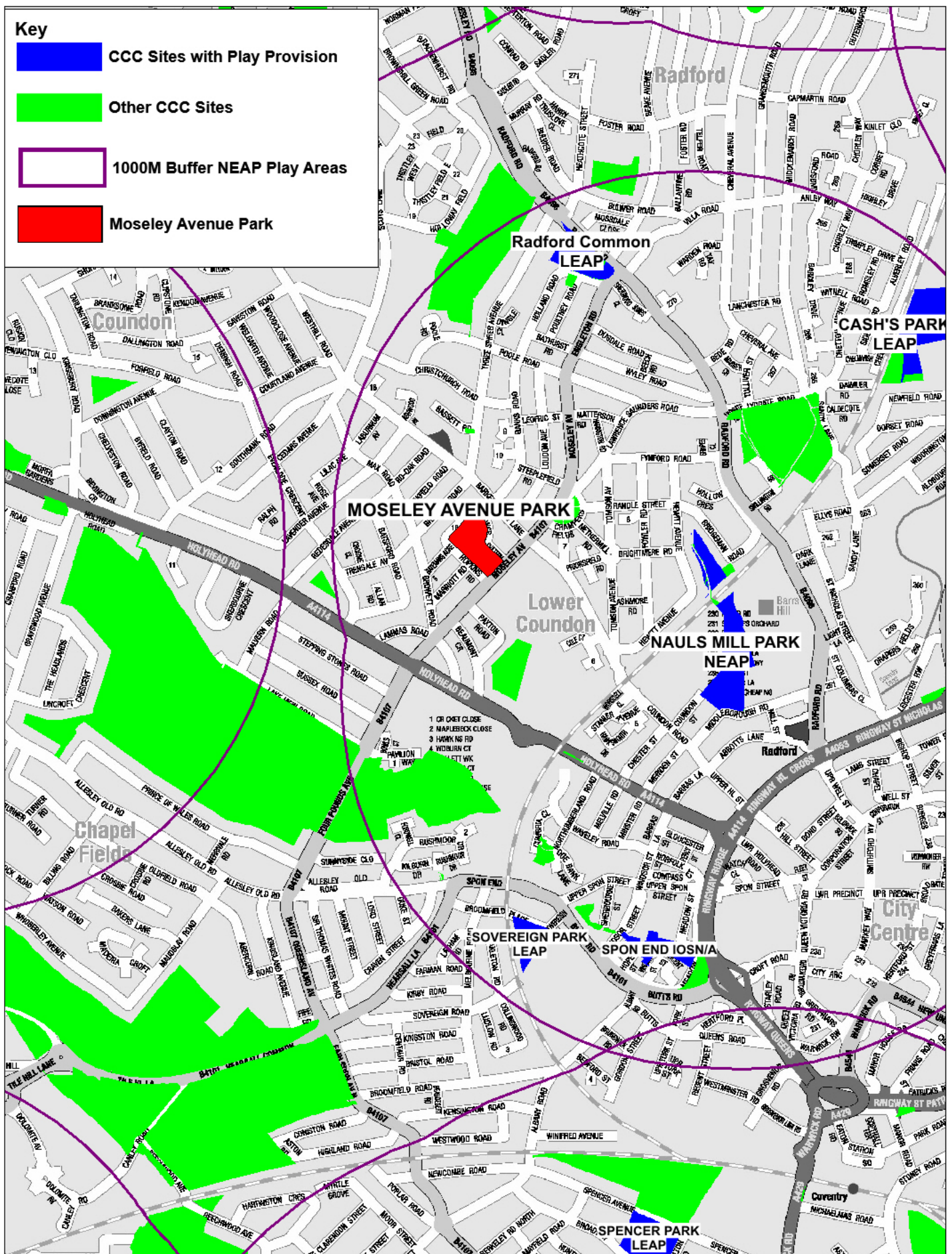


# Moseley Park 400m Buffers for LEAP Play Provision





# 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

29 September 2022

**Name of Cabinet Member:**

Councillor AS Khan – Cabinet Member for Policing and Equalities

**Director approving submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

All

**Title: Response to Petition Requesting the Introduction of Digital Autopsy Facilities in Coventry**

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**Is this a key decision?**

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

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**Executive summary:**

In February 2022 an e petition was received bearing 535 signatures and a corresponding paper petition was received in March 2022 bearing 445 signatures. The petitions stated:

“We the undersigned petition the Council to support families who suffer a sudden and tragic loss of a loved relative and are put through the process of an invasive autopsy to determine the cause of death. This is a legal requirement and dealt with by the coroner’s office. We call upon Coventry City Council, UHCW NHS Trust and HM Coroners Office to provide Coventry with the appropriate scanner and facilities to carry out digital autopsies”.

The petition also provided the following justification:

“The Coventry coroner has a very difficult job and the number of cases waiting to be dealt with. Typically there can be 20-25 cases and can take up to 3 weeks for the relevant procedures and investigations to be carried out. Bereaved relatives can be left not knowing what happened to their deceased. This puts further emotional pressure in an already difficult situation.

Many towns and cities such as Leicester, Dudley and Stoke on Trent use MRI/CT scanning

to perform a digital autopsy. This helps to relieve the pressure on the Coroner as this speeds up the process and reduces the likelihood of an invasive autopsy to determine the cause of death. Grieving relatives are able to know what happened to their loved one more quickly. They can then make the appropriate funeral arrangements and complete their grieving and mourning". Council determined that this petition should be sent to the relevant Cabinet Member/Committee for consideration; in this case it is for consideration by the Cabinet Member for Policing and Equalities.

This report outlines proposals in respect of how a working group will address the provision of non-invasive Postmortem (PM) in Coventry.

**Recommendations:**

**The Cabinet Member is recommended to:**

- (1) Agree that a working group develops options around the use on non-invasive Postmortems and reports back to the Cabinet Member on its progress within six months.

**List of Appendices included:**

None

**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)**

The Coroner is an independent Judicial post holder, the local authority has a role in supporting the Coroner by providing support and resources to enable the Coroner functions to be undertaken.

Once a coroner's statutory duty to investigate a death is triggered, or during the coroner's preliminary enquiries into whether he has jurisdiction, the coroner has control of the body of the deceased until his coronial functions come to an end. That control commences when the coroner is made aware that a body is within that coroner's area. It is for the coroner to decide whether to commission a first or subsequent PM, this is a judicial decision and only challengeable by way of Judicial Review.

These powers are to be exercised with proper regard to the rights and interests involved. H.M Coroner for Coventry and Warwickshire recognises that PM examinations may cause distress to bereaved families and may also delay the release of bodies to bereaved families which in itself can be distressing; a PM should therefore only be directed when the circumstances require it for a proper consideration as to the cause of death.

The consent of next of kin is not required for a PM examination, however they must be informed of the date, time and place of the examination unless that is impracticable or would cause the examination to be unreasonably delayed. The family, as at all times, must be dealt with sensitively.

There is no legal definition of what constitutes a PM examination. It can include any of the following: external examination of the body; toxicology tests; tests on organ and tissue samples from the body; CT or MRI scanning; and/or full internal invasive examination of the body.

Some coronial jurisdictions have made use of scanning techniques to supplement (or supplant) traditional invasive autopsy. Legislation makes it clear that a coroner may specify the kind of examination to be made. The Chief Coroner encourages coroners to consider the use of less invasive forms of examination appropriate cases, especially where the bereaved family has a strong objection to invasive examination.

Non – invasive postmortem imaging may not be the appropriate technique to determine the cause of death in all cases; for example an imaging PM examination does not exclude certain invasive techniques such as angiography and ventilation. In addition, facilities vary across the country and are not present in every jurisdiction; there are no provisions in Coventry and for a non-invasive PM to be undertaken the body must be transported out of the area.

The correct approach to be taken to a request by a bereaved family for less invasive examination was considered in the case of *Rotsztein v H M Senior Coroner for Inner North London* [2015] EWHC 2764 which laid down guidelines.

Where a non-invasive autopsy is requested and a CT scan may be considered potentially useful in all the circumstances, the pathologist must first conduct a thorough external examination of the body. If the pathologist then considers that a CT scan would be inappropriate he should report to the coroner who will decide what type of examination should take place. If the coroner considers that a CT scan is appropriate, a radiographer or trained mortician carries out the scan. A specially trained radiologist (or pathologist specially trained in interpreting postmortem imaging) analyses the results of the scan. Both pathologist and radiologist must have access to the deceased's medical history (where available) and be informed of the circumstances surrounding the death. Other investigations are performed as appropriate, such as the taking of samples for toxicology and biochemistry. In some cases post-mortem CT coronary angiography, a minimally invasive procedure will also be undertaken as this may assist in establishing a cardiac cause of death that is not evident on plain cross-sectional images. Pathologist and radiologist prepare a joint report for the coroner, with the pathologist taking the lead. The pathologist states a cause of death or proceeds to full or directed autopsy if so instructed by the coroner. Imaging should not be used as the sole type of post-mortem investigation where the circumstances of the death are suspicious or controversial, except where the cause of death is obvious. The coroner must at all times during the process keep possession and control over the body, until it is properly released for burial or cremation.

Many families (particularly those belonging to certain faith groups) request PM imaging instead of more invasive autopsy. Imaging based examinations have the further benefit that through detailed images the state of the body, both externally and internally, is permanently recorded for anyone to review in future.

There are some disadvantages in the use of non-invasive PM; in some cases when a non-invasive PM has been undertaken the results may still require an invasive PM to follow which can cause delay and further distress to the family. There is also the concern around limited availability and associated costs.

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

A working group of partners has been set up to consider the future provision of services relied upon by H.M Coroner for Coventry and Warwickshire and this includes how non-invasive PMs can be used.

It is recommended that the Cabinet Member is updated as to the progress of the work of this group within six months.

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

3.1. The working group, as proposals develop, will consult with relevant stakeholders and communities.

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

4.1. It is proposed that the Cabinet Member is provided with an update from the working group within six months of the date of the Cabinet Member meeting.

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

### **5.1. Financial Implications**

The working group will consist of internal and external partners and will be delivered from existing staff resources, therefore there will be no additional cost to the Council.

Once the working group has options to report back on, their financial implications will be estimated.

### **5.2. Legal Implications**

Decisions about the examination of the deceased by PM is the statutory duty of H.M Coroner and is not a function of the Local Authority. Section 14 of the Coroners and Justice Act 2009 suggests that 'a post-mortem examination of a body' is not limited to an autopsy and may include CT (or MRI) imaging. This is achieved by section 14(1) and (2) which provides that a senior coroner may 'specify the kind of examination to be made' and may request 'a suitable practitioner' to carry it out. A 'suitable practitioner' is either 'a registered medical practitioner' or 'a practitioner of a description designated by the Chief Coroner as suitable to make examinations of that kind':

## **6. Other implications**

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

Consideration of the use of non-invasive PM will support the Council's ambitions in developing a more equal city with cohesive communities and neighbourhoods.

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

Risk associated with the use of non-invasive is a considered by the Coroner when making decisions about undertaking a PM. Associated risks will also be considered by the working group.

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

The impact including resources will be addressed by the working group.

### **6.4. Equalities / EIA?**

It is recognised that many families (particularly those belonging to certain faith groups) request PM imaging instead of more invasive autopsy. This will be a key consideration of the working group as they consider options around the use on non – invasive PM

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

None identified at this stage.

## 6.6. Implications for partner organisations?

Engagement with partner organisations will be key to enable options to emerge via the working group.

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## Public report Cabinet Member Report

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Cabinet Member for Policing and Equalities

29 September 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:**

All

**Title:**

An enhanced role for the Street Enforcement Team

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**Is this a key decision?**

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

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**Executive summary:**

The report details the proposed additional powers for the Street Scene Enforcement Service. These additional highways powers will supplement the environmental powers which are already utilised by the service. The aim is to provide a more comprehensive solution in maintaining standards in our residential streets and commercial areas.

**Recommendations:**

The Cabinet Member for Policing and Equalities is requested to:

Agree to the role of the Street Enforcement Service being extended to incorporate a collection of highway enforcement powers, which will be used predominantly in those streets which are suffering environmental degradation.

**List of Appendices included:**

Appendix 1: Existing services performed by the Street Enforcement Service.

Appendix 2: Proposed additional duties to be performed by the Street Enforcement Service.

**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. The Street Enforcement Service carries out a wide range of environmental enforcement in public areas and on private land. They also have enforcement roles in what are largely considered to be 'highways' issues. For example, abandoned vehicles, fly posting, cars for sale on the highway etc. A full list of these service can be seen in Appendix 1.
- 1.2. There are a further range of 'highways' issues evident within our streets in the city and these are also closely related to the work which the Street Enforcement Team currently perform; presently they do not fall within their remit. In some cases, this can inhibit the work of the team when looking to address general environmental degradation, in the streets and areas where the service is largely focused. Furthermore, because the service currently focuses largely on environmental issues, our resident's perceive that only part of the problem is being addressed.
- 1.3. A list of the additional 'highways' issues that could be addressed by the Street Enforcement Service and supplement the work that they already do are contained in Appendix 2. It is suggested that if the Street Enforcement Service, addressed these issues where necessary, it would provide a more holistic solution and supports our 'One Coventry' approach.

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

- 2.1. Option1: Do nothing. The Street Enforcement Service continues to enforce largely environmental legislation. Not recommended.
- 2.2. Option 2: The Street Enforcement Service uses appropriate legislation to address the 'highways' issues listed in Appendix 2.
- 2.3. The work of the Street Enforcement Service is often concentrated in those streets which suffer higher levels of fly tipping and other environmental problems; these are referred to as 'hot streets'. It is suggested that these additional powers would supplement and enhance the work that is already performed by the service. It would also appear to be more logical to our residents and elected members.
- 2.4. Recommendation. That the role of the Street Enforcement Service be extended to incorporate a collection of highway powers, which will be used predominantly in those streets which are suffering environmental degradation.

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

- 3.1. None are required. These powers are already vested to the local authority.

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

- 4.1. Officers within the Street Enforcement Service will need to be trained in enforcing these new powers. It is anticipated that officers will be trained and competent to perform these duties by 1<sup>st</sup> December 2022.

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

- 5.1. Financial Implications

These additional powers will be performed within existing budgets.

5.2. Legal Implications

The appropriate legal powers are already delegated to the relevant Head of Service in accordance with the Council's Constitution.

**6. Other implications**

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

The use of these powers will help maintain and improve the environment within our residential streets in line with our commitment to create an 'attractive, cleaner and greener city', but also by addressing undesirable behaviours we will be 'making communities safer together with the police, to reduce crime and anti-social behaviour'.

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

The Street Enforcement Service is already a busy service and this additional work, particularly in the busier summer months will have the potential to impact upon delivery. However, the service already has processes in place to prioritise work so that our officers can perform their roles as efficiently and effectively as possible.

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

None.

6.4. **Equalities / EIA?**

There are no changes in legislation or in the services the Council performs. The only change is that the Street Enforcement Service will be performing these duties alongside their existing work.

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

There are no implications for climate change. However, the enhanced role for the Street Enforcement Service will improve the street scene environment.

6.6. **Implications for partner organisations?**

None

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Director: Colin Knight	Transportation and Highways	Transportation and Highways	26.08.2022	05.09.2022
Members: Cllr. A.S.Khan	Cabinet Member for Policing and Equalities	-	20/09/2022	

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## **Appendix 1: Existing services performed by the Street Enforcement Service**

- **General nuisance and public health issues:**
  - Noise nuisance
  - Anti-social behaviour
  - Nuisance feeding of birds
  - Drainage complaints (businesses only)
  - Abandoned and untaxed vehicles
  - Nuisance Car Sales on the highway,
  - Vehicle repairs on the highway
  - Obstructions on pavements
  - Odour nuisances from domestic properties
  - Bonfires
  - Light nuisance from domestic premises
  - Illegal Traveller and Gypsy illegal encampments,
  - Invasive plants
  
- **Environmental Crime**
  - Fly posting on buildings and street furniture,
  - Fly tipping on public and private land,
  - Refuse and rubbish accumulations in gardens,
  - Waste carriers. Ensuring their legitimacy i.e. scrap men and 'tatters',
  - Waste duty of care (businesses). All businesses are required to have contracts to deal with their waste

## **Appendix 2: Proposed additional duties to be performed by the Street Enforcement Service**

- **General nuisance and public health issues:**
  - Unlicensed skips
  - Builder's materials left on pavements and public land
  - Garden stone chippings escaping on to footpaths from resident's drives
  - Hedges encroaching on pavements restricting pedestrian access
  - Caravans, trailers, food wagons and boats stored on roads
  - Obstructions and encroachments on pavements i.e. shop displays
  - Electrical cables crossing pavements

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