



Cabinet Member for Policing and Equalities

Time and Date

9.30 am on Thursday, 2nd February, 2023

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 (Policing and Equalities) meeting held on 29 September 2022

(b) Matters arising

4. Food and Safety - Introduction of a Discretionary, Chargeable Advisory Service (Pages 9 - 18)

Report of the Director of Streetscene and Regulatory Service

5. Outstanding Issues

There are no outstanding issues

6. 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, Chief Legal Officer, Council House, Coventry

Wednesday, 25 January 2023

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)

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 1.30 pm on Thursday, 29 September 2022

Present:

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

Other Members: Councillor G Lloyd (for Minute 15 below)
 Councillor G Ridley (for Minute 16 below)

Employees Present:

Law and Governance G Carter, J Newman (Director), U Patel, C Taylor

Streetscene & Regulatory Services C Hickin, G Hood, M McHugh

Public Business

13. Declarations of Interest

There were no declarations of interest.

14. Minutes

The minutes of the meeting held on 25 August 2022 were agreed and signed as a true record. There were no matters arising.

15. Petition - Request for the Installation of a Children's Play Area in Moseley Avenue Park

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services that responded to a petition bearing 510 signatures which was submitted to the Council in August 2021. The petition, sponsored by Councillor G Lloyd and the late Councillor S Walsh, Sherbourne Ward Councillors, requested the Council to create a new Children's Play area in Moseley Avenue Park. The petition detail was outlined in the report.

Moseley Avenue Park is located in the northwest of the city and is approximately 13,800 square meters in size and contains a mixture of grassed areas, ornamental trees and an area of old tarmac which was once used for tennis. The site is a small park in a quiet residential area with houses bordering the park on all sides, separated by a narrow road.

According to the Fields in Trust (FIT) criteria in their "Guidance for Outdoor Sport and Play" children's playgrounds are separated into three categories and each category has a accessibility standard for playgrounds in terms of their distance from dwellings as per the following:

- Local Area for Play (LAP) or Local Area for Play – a playground aimed at very young children. Distance 100m (less than 5 minutes' walk);
- Locally Equipped Area for Play (LEAP) – a playground aimed at children who can go out and play independently. Distance 400m (5-10 minutes' walk) and
- Neighbourhood equipped Areas for Play (NEAP) – a playground aimed at older children. Distance 1000m (15-20 minutes' walk)

The City Council have adopted the FIT accessibility standard for playgrounds in terms of their distance from dwellings. The relative distances were currently measured from the nearest boundary of the parks to the nearest dwellings rather than from the playgrounds or the park's nearest entrances.

When the provision of LEAP and NEAP playgrounds within Coventry were mapped, it showed that Moseley Avenue Park falls outside the catchment areas of the nearest playgrounds with a particular lack of any NEAP provision.

The cost of creating a new playground had been estimated to be approximately £91,915 for a LEAP and £219,662 for a NEAP. The Council's Park Service were currently unable to commit to creating a new park due to budget pressures. Funding may occasionally be available for the creation of new playgrounds from sources such as Section 106 agreements or through external grants such as those available from the Landfill Communities Fund or WMCA Community Grant scheme, which relevant residents' groups could apply for.

If a new playground was 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.

The old tarmac tennis courts within the park were suspected of being built on a clinker sub-base. Clinker was a by-product of industrial processes and consequently, was often contaminated with hazardous chemicals. If the material beneath the tarmac is contaminated, its removal and disposal would be especially expensive.

Councillor G Lloyd attended the meeting and spoke in respect of the petition. He expressed disappointment that a park was supposed to have been built 3 years ago and yet nothing had materialised. He added that the residents' group 'Friends of Moseley Park' had existed for over 3 years and together with the majority of residents surrounding the park, want this and were fully supported by all 3 Ward Councillors and the local MP.

Councillor P Male, Shadow Cabinet Member also expressed his support for the park and suggested that every funding opportunity be explored to enable this to happen and, as and when it does, perhaps it could be dedicated in memory of late Councillor S Walsh.

RESOLVED that, the Cabinet Member for Policing and Equalities:

1. **Having considered the content of the petition, notes the concerns of the petitioners.**

2. **Notes that there is insufficient funding for a new playground 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. **Agrees that when opportunity and resources allow, a LEAP and/or NEAP playground should be provided in Moseley Avenue Park which will provide for children resident in the general area concerned.**
4. **Agrees 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.**
5. **Instructs officers to undertake a relevant survey to determine what, if any, contaminants exist on site.**
6. **Notes the existence of the residents' group 'Friends of Moseley Avenue Park' and requests officers to work with them to identify potential funding opportunities to fund a LEAP for the park.**

16. Response to Petition Requesting the Introduction of Digital Autopsy Facilities in Coventry

The Cabinet Member considered a report of the Director of Law and Governance which responded to a petition requesting the introduction of digital autopsy facilities in Coventry. The paper and online petitions, totalling 980 signatures, were received in early 2022 and were sponsored by Councillor G Ridley. The report outlined the petition detail and the justification for the request.

In response to the petition, the report informed of proposals in respect of how a working group would address the provision of non-invasive postmortem (PM) in Coventry.

The coroner is an independent judicial post holder who is supported by the local authority in terms of support and resources to enable the functions of the coroner to be undertaken.

Once a coroner's statutory duty to investigate a death was triggered, the coroner would have control of the body of the deceased until his coronial functions had come to an end. That control would commence when the coroner was made aware that a body was within that coroner's area. It would be for the coroner to decide whether to commission a first or subsequent postmortem, and this would be a judicial decision and only challengeable by way of a 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 postmortem 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 postmortem should therefore only be directed when the circumstances require it for a proper consideration as to the cause of death.

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

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. In addition, facilities vary across the country, and where there were no provisions, such as Coventry, the body must be transported out of the area for a non-invasive postmortem to be undertaken.

Many families (particularly those belonging to certain faith groups) request postmortem imaging instead of more invasive autopsy. The benefit of image based examinations is that thorough detailed images of the state of the body, both externally and internally would be permanently recorded for anyone to review in the future.

There are some disadvantages to the use of non-invasive postmortem, in some cases, a non-invasive postmortem result may still require an invasive postmortem which can cause delay and further distress to the family. In addition, there was some concern around limited availability and associated costs.

Councillor Ridley and the petition organiser attended the meeting and spoke in respect of the petition. They welcomed the establishment of a working group to consider future provision, however, they expressed disappointment with the lengthy timescales involved. The petition organiser further commented that there was provision at the hospital in the early hours where the coroners could request the use of the scanners and that the council should consider entering into an agreement with another local authority to provide the service to minimise delays.

The Cabinet Member noted that the working group that had been set up would be considering and exploring all avenues available to expand on the services already available; including those raised by the petitioners. However, it had to be noted that resources and staffing would have to be considered and even if a postmortem was undertaken without delay, pathology would still need to consider the results.

RESOLVED that the Cabinet Member for Policing and Equalities agrees that a working group develops options around the use of non-invasive postmortems and reports back to the Cabinet Member on its progress within six months.

17. **An Enhanced Role for the Street Enforcement Team**

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services that outlined proposals to have an enhanced role for the Street Enforcement Team to provide a more comprehensive solution in maintaining standards in the city's residential streets and commercial areas. The additional highways powers would supplement the environmental powers which were already utilised by the service.

The Street Enforcement Service currently carries out a wide range of environment enforcement in public area 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 the service was attached at Appendix 1 of the report.

There were a further range of 'highway' issues evident within the city streets which were also closely related to the work which the Street Enforcement Team currently performed, which presently, did not fall within their remit. In some cases, this could inhibit the work of the team when looking to address general environmental degradation in the streets and areas where the service was largely focused. Furthermore, because the service currently focused largely on environmental issues, our residents perceived that only part of the problem was being addressed.

A list of the additional 'highway' issues that could be addressed by the street enforcement service and supplement the work that they already did were outlined in Appendix 2 of the report. It was suggested that if the street enforcement service, addressed these where necessary, it would provide a more holistic solution and would support the Council's 'One Coventry' approach.

RESOLVED that the Cabinet Member for Cabinet Member for Policing and Equalities agrees to 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.

18. **Outstanding Issues**

There were no outstanding issues.

19. **Any Other Business**

There were no other items of public business.

(Meeting closed at 2.10 pm)

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Public report

Cabinet Member Report

Cabinet Member for Policing and Equalities

2nd February 2023

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All Wards

Title:

Food and Safety – Introduction of a discretionary, chargeable advisory service

Is this a key decision?

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

Executive Summary:

The purpose of this report is to seek approval for the introduction of a charge for discretionary food and safety advice to local businesses.

Recommendations:

The Cabinet Member is recommended to:

1. To approve the provision of a charge for discretionary food and safety advice.
2. Adopt the proposed fees set out in Appendix 1 of the report.

List of Appendices included:

Appendix 1 – Proposed advice fees.

Other useful background papers:

Localism Act 2011
Food Law Code of Practice (England)

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

Not applicable

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

Not applicable

Will this report go to Council?

Not applicable

Report title:

Food and Safety – Introduction of a discretionary, chargeable advisory service

1 Context (or background)

- 1.1 The Food and Safety team is responsible for overseeing a wide range of legislation and are committed to working with local businesses to ensure they have the correct advice necessary to run businesses safely and to ensure that food produced, prepared or sold in the city is safe to eat and without risks to health and that places of work are safe for employees, for members of the public who visit such premises, and for contractors who undertake work at the premises.
- 1.2 New businesses in particular find it helpful to have access to expert advice on many areas that are relevant to successfully planning a business before it starts trading. The Food and Safety team offer advice on, but not limited to:
- Guidance on food registration.
 - Premises layout, structure, facilities and equipment.
 - Food safety practices and procedures.
 - Food Hygiene Rating Scheme requirements.
 - Food legislation specific to businesses.
 - Food safety management procedures and control systems.

All businesses currently have free access to business advice via links available at the Food and Safety pages of the Council's website. Despite this, some businesses will seek additional advice particularly on more complex queries. This report sets out the proposal of how we will decide when additional advice or support requested by a business will be subject to a charge or provided at no cost.

2 Current arrangements

- 2.1 Providing advice to local businesses is not a statutory function of the team. Section 93 (1) (a) of the Local Government Act 2003 and the Food Law Code of Practice (England) permits Local Authorities to charge for the provision of discretionary services, such as the provision of business advice.

Currently, the Food and Safety team offers advice free of charge to any local business that requests it. The team has a wealth of resources on the Council's website so businesses can help themselves to food safety and health & safety advice and support, however, many businesses request a more detailed and bespoke advice service from a trusted professional that they already have a rapport with.

- 2.2 The time spent with a business providing this more detailed advice can take a considerable amount of time and has a direct impact on the resource available to provide statutory services. Sometimes, if requested, officers will visit a food premises to give advice e.g. to help advise on the completion of documentation, give advice on surface finishes in a food business or give advice on the set up of a new food business. Officers do not provide on-site health and safety advice as the nature of that is significantly different in that to give specialist health and safety advice, the advisor needs to have a full and comprehensive understanding of how a business operates. The team simply does not have the resource at the current time to deliver this type of service.
- 2.3 The team receives approximately 200 requests for advice each year and on average, each one of them takes an officer about one hour to deal with in total. On occasions, an on-site advice visit will be made which takes longer to complete and also incurs the associated

costs of return travel and parking. So, in essence, giving business bespoke advice takes a full-time equivalent officer approximately 5.5 weeks per year. As this work is discretionary, it is proposed that this type of advice is charged for. It is anticipated that even if only half the number of current requests for advice is received in the future, a new income stream of approximately £8,000 could be achieved.

3 Reason for recommendations

- 3.1. The provision of completely free business advice is no longer considered to be appropriate given the high number of requests for advice made by local businesses each year. The provision of business advice is discretionary and is given by officers in addition to any visits or interventions undertaken as part of the team's statutory functions. Advice is given freely at the current time based on business requests rather than in response to public health risk.
- 3.2. The proposal to introduce a discretionary chargeable advice service holds benefits for the Council. Officers believe that the assistance offered under the proposed advice scheme will benefit residents and persons present in the city. It will also benefit businesses to improve standards, thus avoiding contraventions under associated legislation.
- 3.3. Officers are increasingly spending a considerable amount of time providing advice, which has an adverse impact on the other day to day work of the team, which is unsustainable. However, officers want to continue to assist businesses as much as possible, so the introduction of fees to formalise the giving of bespoke advice, will be covered within the costs of running the service instead of being at the expense of it.
- 3.4. The number of Local Authorities charging businesses for food and safety advice is somewhat limited at the current time, however, given that this is a discretionary service conducted within limited resource, many are starting to consider a similar model of service delivery. Of the Local Authorities who have already implemented such a service, the fees proposed in Appendix 1, benchmark favourably.

4 Proposal & Process

- 4.1 It is important to note that significant, free support for businesses is provided on the Council's website for businesses to 'self-help' themselves to. It is proposed that businesses will also be provided with 30 minutes of initial general advice on food and safety legislation, for free per annum. This advice will include signposting of businesses to alternative sources of advice and self-help and will normally be delivered over the telephone or by email.
- 4.2 It is proposed that if this is not sufficient or does not meet the needs of the business, the customer will be given the opportunity to pay for either an online advisory service or pay for a site visit which can provide bespoke advice on food and safety legislation. Chargeable advice provided would include tailored advice on for example, documented procedures, cleaning, layout of the food premises etc. All advice will be appropriate and proportionate to the business to give reassurance on compliance.
- 4.3 It is anticipated that for some local businesses, an online advisory service will be very helpful. This will enable them to have a one-on-one conversation with a competent officer via Teams, over the telephone, or via email exchange, where they can seek support on a range of food and safety related matters. The officer will follow up the conversation with a summary of the discussions, sent electronically. It is proposed that this type of advisory service is allocated on an hourly basis, therefore, dependant on the experience and knowledge of the customer, they may need more or less time as appropriate.

4.4 The type of support outlined in 4.3 above may not suit all businesses and therefore it is proposed to also offer the following packages of support for food businesses:

Food safety new business start-up site visit – aimed at start-up businesses or newly registered food business to help them understand the regulatory framework and achieve the best possible national food hygiene rating.

Food safety keeping on track site visit – aimed at existing food businesses to help them keep on track in between statutory inspections, keeping them updated on the current regulatory landscape to help them retain the best possible national food hygiene rating.

Food safety pre inspection site visit – aimed at existing food businesses who are due for a statutory inspection, or who have applied for a food hygiene rating scheme revisit, to help them prepare for the inspection.

Support in completing Safer Food Better Business (SFBB) pack on site – aimed at helping all food business operators complete their SFBB packs.

4.5 The proposed fees are set out in Appendix 1 of this report. The proposed fees have been calculated by assessing the time it takes for each step in the advisory process from the receipt of the request for advice to the follow up report and data input of the work. For site visits, it also includes travel time, mileage and parking costs. The time taken is assigned to different roles and the costs based on hourly rates.

4.6 The advisory service will apply to those areas of work set out in paragraph 4.3 and 4.4 of this report. The fees will be reviewed on an annual basis to determine if the service can be extended to encompass other advisory work, to reflect any changes in the cost of providing the service (such as pay inflation) and to assess the effectiveness of the service.

4.7 Businesses who decide not to take advantage of the proposed new advisory service will still be signposted to the relevant guidance notes and policies on our website, as mentioned in 4.1 above.

4.8 It is important to note that there will be a clear separation between officers that provide advice and those who are responsible for the subsequent statutory inspection, official control or other official activity at the premises. This will help to avoid any potential conflict of interest from occurring. There are currently enough staff in the existing team to ensure an appropriate division of duties.

4.9 In order to further protect against risk, the following will be provided:

- clear information to businesses on fees and how they were calculated;
- clear information to businesses on the main features of the advisory service;
- clear information to businesses on any terms and conditions applicable.
- details of how to complain about the service provided;
- details of the conflict-of-interest procedure;
- it will be made clear that other providers of advisory services are available;
- it will be made clear that uptake of the advisory service is voluntary; and
- it will be made clear the advisory service is separate to statutory activities.

4.10 The introduction of the proposed fees will not affect the Council's statutory duties. Officers will continue to carry out their statutory functions and these functions will not be charged for.

4.11 The service manager will be responsible for on-going performance and compliance management of the advisory service.

5 Options considered and recommended proposal

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

5.1.1 Option 1 is to authorise the proposal contained within this report to introduce a charge for discretionary food and safety advice to recover the costs of providing the service; or

5.1.2 To continue giving free advice at a cost to the Council.

5.2 Your officer recommends Option 1 to enable the Council to continue to provide advice on a cost recovery basis.

6 Results of consultation undertaken

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

7 Timetable for implementing this decision

7.1 If approved, the decision will take effect as soon as possible.

8. Comments from Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

8.1 Financial implications

The proposed fees have been calculated on a full cost basis, which considers both the direct and indirect costs associated with providing an advisory service.

The service currently has a target of £100k additional income to be achieved from commercialisation. It is estimated that this proposal will deliver approximately £8, 000 towards the target.

8.2 Legal implications

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

The Localism Act also allows authorities to make a charge where it is not under a duty to provide the service and the person has agreed to the service being provided. The Localism Act only allows charges to be made for a non-statutory service where taking one financial year with another the income from the charges does not exceed the cost of the service.

9 Other implications

None

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

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

9.2 How is risk being managed?

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

9.3 What is the impact on the organisation?

None

9.4 Equalities / EIA

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

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

None

9.6 Implications for partner organisations?

None.

9.7 Human Rights Act Implications

None.

Report author(s): Nicola Castledine

Name and job title: Food and Safety Manager

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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
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Davina Blackburn	Strategic Lead of Regulation	Regulatory Services	6/1/2023	9/1/2023
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Finance	11/1/2023	12/1/2023
Legal: Gill Carter	Regulatory Team Leader, Legal Services	Law and Governance	11/1/2023	13/1/2023
Kate Eales	HR Business Partner	Human Resources	11/1/2023	13/1/2023
Andrew Walster	Director Streetscene & Regulatory Services		16/1/2023	16/1/2023
Councillor AS Khan	Cabinet Member for Policing and Equalities		16/1/2023	16/1/2023

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Food and Safety – Introduction of a discretionary, chargeable advisory service

Appendix 1: Proposed fees

Type of advice provided	Proposed fee
<p style="text-align: center;">Online support.</p> <p><i>One-on-one conversation with a competent officer via Teams, over the telephone, or via email exchange, where businesses can seek support on a range of food and safety related matters.</i></p> <p style="text-align: center;"><i>Maximum 1 hour.</i></p>	£80
<p style="text-align: center;">Food safety new business start-up site visit.</p> <p><i>Aimed at start-up businesses or newly registered food business to help them understand the regulatory framework and achieve the best possible food hygiene rating.</i></p> <p style="text-align: center;"><i>Maximum 1.5 hours on site.</i></p>	£200
<p style="text-align: center;">Food safety keeping on track site visit.</p> <p><i>Aimed at existing food businesses to help them keep on track in between statutory inspections, keeping them updated on the current regulatory landscape to help them retain the best possible national food hygiene rating.</i></p> <p style="text-align: center;"><i>Maximum 1.5 hours on site.</i></p>	£200
<p style="text-align: center;">Food safety pre inspection site visit.</p> <p><i>Aimed at existing food businesses who are due for a statutory inspection, or who have applied for a food hygiene rating scheme revisit, to help them prepare for the inspection.</i></p> <p style="text-align: center;"><i>Maximum 1.5 hours on site.</i></p>	£200
<p style="text-align: center;">Support in completing Safer Food Better Business (SFBB) pack on site.</p> <p><i>Aimed at helping all food business operators complete their SFBB packs.</i></p> <p style="text-align: center;"><i>Maximum 2 hours on site.</i></p>	£200

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