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

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#### **Time and Date**

9.00 am on Thursday, 27th February, 2025

#### **Place**

Committee Room 3 - Council House

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#### **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 30<sup>th</sup> January 2025.

(b) Matters arising.

4. **Regulation, Communities and Environmental Enforcement Policy - Review** (Pages 9 - 32)

Report of the Director of Law and Governance.

5. **Extension of Existing Public Spaces Protection Order for Edgwick Park** (Pages 33 - 54)

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

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

Wednesday, 19 February 2025

Note: The person to contact about the agenda and documents for this meeting is Lara Knight Email: tom.robinson@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member), AS Khan (Cabinet Member) and J Lepoidevin (Shadow Cabinet Member)

**Public Access**

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

**Lara Knight**

**Email: tom.robinson@coventry.gov.uk**

# Public Document Pack Agenda Item 3

## Coventry City Council

### Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 9.30 am on Thursday, 30 January 2025

Present:

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

Non-Voting Opposition Members: Councillor J Lepoidevin (Shadow Cabinet Member)

By Invitation: Councillor K Sandhu

Employees (by Directorate):

Chief Executive M Kumar, J Mann

City Services T Wetherhill

Law and Governance O Aremu, F Cartwright, L Knight

#### **Public Business**

##### **16. Declarations of Interest**

There were no disclosable pecuniary interests.

##### **17. Minutes**

The minutes of the meeting held on 25<sup>th</sup> November 2024 were signed as a true record.

There were no matters arising.

##### **18. Petition - Petition Against Proposed Car Park Charges at the War Memorial Park**

The Cabinet Member for Policing and Equalities considered a report of the Director of City Services and Commercial, which responded to a petition against proposed car park charges at the War Memorial Park.

The petition contained 27 signatures and was lodged by the Coventry Spires U3A and objected to charges for parking at in the Kenilworth Road car park a the War Memorial Park. In accordance with the City Council's procedure for dealing with petitions, those relating to parks are heard by the Cabinet Member for Policing and Equalities.

On receipt of the determination letter, the petition organiser requested that the issue be considered at a Cabinet Member for Policing and Equalities meeting.

The report indicated that parking charges are necessary to meet the financial demands of maintaining Parks and Openspaces across the City including the War Memorial Park and its associated sites such as Spencer Park, Top Green and Allesley Parks. Over the past 6 years, the council has embarked on a commercialism approach that seeks to maximise the value of every asset that the Council holds, including seeking to generate new revenue for the Council, helping to protect, support and invest in services provided within the Parks and partially mitigates the impact of proposed/potential reductions in revenue for the service.

The Council is required to set a balanced budget, and this legal duty is balanced with continuing to deliver the key services to residents and businesses in the City. The Pre-Budget report 2024-2025 forecast a £9m shortfall and indicated that this had been brought on by rising demand, underfunding and the difficult economic climate, not just in Coventry but across the whole sector. As a result of these pressures, a number of cost-cutting proposals were put forward for residents, colleagues and businesses to comment on. The proposals were subject to an eight-week consultation period which ended on 7 February 2024.

One such proposal was to remove the current 3 hours free parking at the War Memorial Park and standardise parking charges with those at Coombe Abbey Park, based on 23/24 charges at the time, as follows:

Up to 1 hour	£1.00
1-2 hours	£3.00
2-4 hours	£3.50
Day ticket	£5.00

However, this proposal was rejected, and the three hours period of free parking remains in place. The financial impact of removing all charges for parking would be significant and contra to the city councils One Coventry Plan - enabling priority – Continued financial sustainability of the council. The Cabinet Member noted that the income received in 2023/24 was £54,395 against an income target of £139k as a result of the service not being able to implement the intended charges following budget setting for 24/25 placing further pressure on the Parks and Open Spaces service.

Councillor Dr K Sandhu and the Petition Organiser spoke in support of the petition, highlighting the following points:

- That the Coventry Spires U3A are members of the University of the Third Age and hold group meetings on a regular basis between 10.30am and 12.30pm at the visitor centre in the War Memorial Park.
- The 3 hour parking limit is insufficient for them to enjoy refreshments in the café after the group meetings have concluded.
- There are a number of groups that make use of the education room at the park who will probably have to look elsewhere to hold meetings if the charges are implemented.
- It was unclear whether the £54k had come from the Kenilworth Road car park or the combination of both the Kenilworth Road and the Leamington Road car parks.
- That the loss of £54k is a very small sum against a shortfall of £9m.

- If charges are implemented, people will either not use the park or will park in local streets, destroying the local area.
- If parking is free, more people are likely to visit the park and use the café facilities.
- People want the opportunity to visit the park due to having memorial trees / benches for family members.
- The park should not be compared with Coombe Abbey Park as it is a War Memorial Park.
- The park does not belong to the Council as it was purchased by public donation as a War Memorial and should be treated differently to all other parks.

Officers responded to confirm that the proposals regarding the charges had not been implemented but that the petition refers to removing all charges. The sum of £54k was a total across both car parks, although the majority was from the Kenilworth Road Car Park and that the loss of this income would cause further pressures upon the service. It was also clarified that whilst the park had been purchased through public donations, the Council has the same obligations for maintenance and care at the War Memorial Park as with all other parks in the City.

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

- 1. Notes the Petitioners' concerns.**
- 2. Endorses the actions which had been agreed to be issued by determination letter to the petition organiser, as detailed in Paragraph 1.0 of the report.**

**19. Annual Compliance Report 2023 - Regulatory & Investigatory Powers Act (RIPA) 2000**

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance, which outlined the Council's use of the Regulation of Powers Act 2000 (RIPA), which governed the acquisition and disclosure of communications data and the use of covert surveillance by local authorities.

The report indicated that the Council used powers under RIPA to support its core functions for the purpose of prevention and detection of crime where an offence may be punishable by a custodial sentence of 6 months or more or were related to the underage sale of alcohol and tobacco. There were three processes available to local authorities under RIPA: the acquisition of communications data; directed surveillance; and covert human intelligence sources ("CHIS").

The Act set out the procedures that the Council must follow if it wished to use directed surveillance techniques or acquire communications data in order to support core function activities (e.g., typically those undertaken by Trading Standards and Environmental Health). The information obtained as a result of such operations can later be relied upon in court proceedings providing RIPA was complied with.

The Home Office Code for Covert Surveillance and Property Interference recommended that elected members, whilst not involved in making decisions or specific authorisations for the local authority to use its powers under Part II of the Act, should review the Council's use of the legislation and provide approval to its policies. The Council adopted this approach for the oversight of the authority's use of Parts I and II of the Act.

2019 saw the implementation of Part 3 of the Investigatory Powers Act 2016 (IPA). The IPA consolidated all existing powers available to law enforcement and other agencies. The legislation also ensured that the powers conveyed were fit for the fast-moving digital age and introduced the Office for Communications Data Authorisation (OCDA) which is now responsible for independently authorising all applications for communications data. This has removed the requirement for local authorities to seek judicial approval for communications data.

The Cabinet Member noted that, for the period 1st January 2023 to 31st December 2023, no applications were made for either the Use of Directed Surveillance or Covert Human Intelligence sources or the Use of Acquisitions and Disclosure of Communications Data.

The Cabinet Member was advised that the report had also been considered by the Audit and Procurement Committee at their meeting on 25<sup>th</sup> November 2024. Whilst the Committee did not make any recommendations to the Cabinet Member for consideration, they had queried whether RIPA was used for the purposes of surveillance of fly-tipping hotspots. They were advised that, currently, overt surveillance was used in respect to fly-tipping. After further investigations following the meeting, the Committee were provided with a briefing note which confirmed that, where appropriate, the provisions under RIPA could be used in respect of fly-tipping as it carries the relevant custodial sentence required for the use of RIPA.

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

- 1. Notes the comments made by the Audit and Procurement Committee.**
- 2. Approves the report as a formal record of the Council's use and compliance with RIPA.**

**20. Proposed New Equalities Objectives 2025-28**

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance, which set out proposed new equality objectives for 2025-2028.

The Council is required, as a listed public authority, to comply with all elements of the Public Sector Equality Duty (PSED). This duty is comprised of the general duty and specific duties.

The general duty requires the Council to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not

- Foster good relations between people who share a protected characteristic and those who do not

The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires the Council to publish equality objectives that it thinks it needs to achieve any of the aims of the general equality duty.

The existing set of 5 equality objectives were set in 2022 for a period of three years and will expire at the end of March 2025.

The report set out the equality objectives for the period 2025-2028 as indicated below:

- Equality Objective 1 – Deliver inclusive services that better meet the needs of our diverse communities through better use of data, including equalities data.
- Equality Objective 2 – Promote integration, remove barriers and improve community cohesion across Coventry through targeted activities that address the diverse needs of our newly arrived communities.
- Equality Objective 3 – To increase year on year the percentage of appointments made to candidates who are either LGBT+, with a Disability or from the Global Majority and reduce the number of leavers from these demographics.
- Equality Objective 4 – To improve outcomes and tackle inequalities within our communities.

The Cabinet Member noted that there had been a period of consultation on the proposed equality objectives from the 4<sup>th</sup> to the 29<sup>th</sup> November 2024. Full details on the consultation responses was provided at Appendix 2 of the report. The results of the consultation would be fed into the development of action plans for each equality objective and the issues raised would be address through this approach. It was intended that the proposed new equality objectives would become operational from 1<sup>st</sup> April 2025.

**RESOLVED that, the Cabinet Member for Policing and Equalities approves the formal adoption of the following proposed new equality objectives for the Council for 2025-28:**

**Equality Objective 1: Equality Objective 1 – Deliver inclusive services that better meet the needs of our diverse communities through better use of data, including equalities data.**

**Equality Objective 2: Promote integration, remove barriers and improve community cohesion across Coventry through targeted activities that address the diverse needs of our newly arrived communities.**

**Equality Objective 3: To increase year on year the percentage of appointments made to candidates who are either LGBT+, with a Disability or from the Global Majority and reduce the number of leavers from these demographics.**

**Equality Objective 4: To improve outcomes and tackle inequalities within our communities.**

21. **Outstanding Issues**

There were no outstanding issues.

22. **Any Other Business**

There were no other items of business.

(Meeting closed at 10.10 am)



## Public report

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Licensing & Regulatory Committee  
Cabinet Member for Policing and Equalities

18 February 2025  
27 February 2025

**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:**

All

**Title:**

**Regulation, Communities and Environmental Enforcement Policy – Review**

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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:**

This report seeks approval to adopt the updated Regulation, Communities and Environmental Enforcement Policy.

**Recommendations:**

The Licensing & Regulatory Committee is recommended to:

1. Consider the revised Regulation, Communities and Environmental Enforcement Policy and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:

1. Consider the revised Regulation, Communities and Environmental Enforcement Policy and any comments received from the Licensing & Regulatory Committee.
2. Approve the adoption of the Regulation, Communities and Environmental Enforcement Policy attached as Appendix 1 to this report.
3. Delegate authority to the Strategic Lead Regulation and Communities to conduct a three yearly review of the Policy or a review at such times as guidance or legislation requires

**List of Appendices included:**

The following appendices are attached to the report:

Appendix 1: Regulation, Communities and Environmental Enforcement Policy.

Appendix 2: Equalities Impact Assessment.

**Background papers:**

None.

**Other Useful documents**

Regulators Code

<https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

**Has it been or will it be considered by Scrutiny?**

No.

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

No.

**Will this report go to Council?**

No.

**Report title:  
Regulation, Communities and Environmental Enforcement Policy - Review**

**1. Context (or background)**

- 1.1 The Regulators Code ('the Code') was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ('the Act'). Regulators whose functions are specified under the Act, must have regard to the Code when developing policies and operational procedures that guide their regulatory activity.
- 1.2 Functions specified by order under the provisions of the Act, include those functions carried out by Regulation, Communities and Environmental Teams.
- 1.3 The Code provides a set of principles for regulators to consider:
  - a. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
  - b. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
  - c. Regulators should base their regulatory activity on risk.
  - d. Regulators should share information about compliance and risk.
  - e. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
  - f. Regulators should ensure that their approach to regulatory activities is transparent.
- 1.4 Section 6 of the Code sets out the expectation that Local Authorities will ensure their approach to enforcement is transparent. The Regulation, Communities and Environmental Enforcement Policy helps to fulfil this expectation.
- 1.5 The current Enforcement Policy is published on the Council's web site. however, it needs to be reviewed. This review has now been completed and a copy of the proposed Policy is attached as Appendix 1.
- 1.6 The proposed Policy is an overarching document written to set out the Regulation, Communities and Environmental teams' general approach to good enforcement. Several teams within the wider service area have specific team Enforcement Policies which sit underneath this one and should be referred to in addition to the overarching Policy. Where a team specific Enforcement Policy is not in place, the overarching Policy is sufficient to meet the requirements of the Code.

**2. Options considered and recommended proposal**

- 2.1 The Licensing and Regulatory Committee is recommended to:
  - 2.1.1 Consider the revised Regulation, Communities and Environmental Enforcement Policy and notify the Cabinet Member for Policing and Equalities of its comments
- 2.2 The Cabinet Member for Policing and Equalities is recommended to:
  - 2.2.1 Consider the revised Regulation, Communities and Environmental Enforcement Policy and any comments received from the Licensing & Regulatory Committee.

- 2.2.2 Approve the adoption of the Regulation, Communities and Environmental Enforcement Policy attached as Appendix 1 to this report.
- 2.2.3 Delegate authority to the Strategic Lead Regulation and Communities to conduct a three yearly review of the Policy or a review at such times as guidance or legislation requires.

**4. Results of consultation undertaken**

- 4.1 No consultation is required to be undertaken as the Policy is an ‘informing’ Policy that covers statutory outcomes.

**5. Timetable for implementing this decision**

- 5.1 If approved the Policy will become effective on 10<sup>th</sup> March 2025.

**6. Comments from Director of Finance and Resources and Director of Law and Governance**

- 6.1 Financial implications

There are no financial implications involved in the revision of the Policy.

- 6.2 Legal implications

Section 6 of the Regulators Code sets out the expectation that Local Authorities will ensure their approach to enforcement is transparent and the revised Policy meets this requirement. If the Policy is not updated and reviewed, any enforcement action taken by the Regulation, Communities and Environmental teams, may be subject to challenge which may jeopardise the successful outcome of such enforcement.

**7. Other implications**

- 7.1 How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

Regulation, Communities and Environmental teams undertake a key function within the organisation to provide support, influence and challenge to drive forward the One Coventry Plan. The One Coventry Plan is a shared vision and strategy for the city that aims to make Coventry a better place to live, work and visit. Regulation, Communities and Environmental teams help to deliver the plan by ensuring compliance with the law, protecting the public and the environment, promoting fair and safe trade, and enabling economic growth and social inclusion.

- 7.2 How is risk being managed?

Decisions of the Regulation, Communities and Environmental teams are open to challenge by way of a Judicial Review. The revised Enforcement Policy seeks to mitigate the likelihood of a successful Judicial Review being brought against the Council.

**7.3 What is the impact on the organisation?**

None.

#### **7.4 Equalities / EIA**

An Equalities Impact Assessment (EIA) has been undertaken (Appendix 2 of the report). It is considered that the revised Enforcement Policy will have a positive impact for one or more protected groups and will have a positive impact on customers, including those customers whom we enforce against.

The overriding objective of the Regulation, Communities and Environmental teams is to protect and have a positive impact on the health and safety of those who live and work in the city and most especially, to protect those who are more vulnerable and at risk. This includes taking sensible and proportionate action where necessary to ensure those we regulate comply with legislative requirements and their statutory duties.

The Policy makes it clear what enforcement action can be undertaken by officers and makes it clear what support is available to those who are subject to enforcement, to enable them to understand and engage in the process.

#### **7.5 Implications for (or impact on) climate change and the environment**

None.

#### **7.6 Implications for partner organisations?**

None.

**Report author(s):**

Nicola Castledine  
Food and Safety Manager

**Service Area:**

Regulation, Communities and Environmental teams

**Tel and email contact:**

Tel: 024 7697 2221

Email: [nicola.castledine@coventry.gov.uk](mailto:nicola.castledine@coventry.gov.uk)

Enquiries should be directed to the above person.

<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>				
Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	26/11/2024	26/11/2024
Davina Blackburn	Strategic Lead Regulation and Communities	Regulation and Communities	20/11/2024	20/11/2024
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Richard Shirley	Lead Accountant	Finance	26/11/2024	27/11/2024
Legal: Amy Wright	Solicitor	Regulatory Team	20/11/2024	20/11/2024
Director: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	27/11/2024	06/01/2025
Members: Councillor Abdul Khan	Cabinet Member for Policing and Equalities	-	07/01/2025	16/01/2025

This report is published on the council's website: [www.coventry.gov.uk/meetings](http://www.coventry.gov.uk/meetings)

## Appendix 1 – Proposed Enforcement Policy

# Coventry City Council – Regulation, Communities and Environmental Enforcement Policy

This Policy outlines the overarching enforcement principles of the Regulation, Communities and Environmental Teams.

For details of specific enforcement principles adopted by the following teams, reference must also be made to the below:

Housing Enforcement Team [Private Sector Housing Enforcement Policy](#)

Sports Ground Safety Team [Sports Ground Enforcement Policy](#)

Licensing Team [Statement of Licensing Policy](#) and [Gambling Policy](#)

Taxi Licensing [Taxi Licensing Policy](#)

All other Regulation, Communities and Environmental Teams will abide by the guiding principles of enforcement laid out in this Policy.

### A. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires Local Authorities to have regard to the 'Principles of Good Regulation' when exercising a specified regulatory function. For Coventry City Council, the specified functions include those carried out by Regulation, Communities and Environmental Teams.

Coventry City Council will exercise its regulatory activities in a way which is:

- a) Proportionate – the Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The 'Public Interest Stage' contained in the Code for Crown Prosecutors:

[http://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/)

will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence;

- b) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- c) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner;
- d) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return; and
- e) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need, national priorities and intelligence.

### B. Regulators' Code

The Regulators' Code is central to the Governments' better regulation principles. Its aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement.

Coventry City Council has had regard to the [Regulators' Code](#) in the preparation of this Policy. In certain instances, we may conclude that a provision in the Code is either not relevant, is

outweighed by another provision or does not legally apply to some aspects of regulatory activity. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and be documented.

### **C. The Code for Crown Prosecutors**

When deciding whether to prosecute or offer a Simple Caution as an alternative to prosecution, the Council will have regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases or offering Simple Cautions. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a) Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute or offer a Simple Caution, the Council will consider what evidence can be used in court, is reliable and credible. The Council will also consider if there is any material which might undermine the case or assist the defence. The Council must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender for each offence.

- b) Public Interest Test - is it in the public interest for the case to be brought to court?

Coventry City Council will balance factors for and against prosecution and Simple Cautions, carefully and fairly, considering each case on its merits. Before deciding that prosecution or Simple Caution is appropriate the Council will consider the matters detailed in the Code which, in the opinion of the Council, are relevant and will have regard to the public interest.

### **D. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')**

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. Coventry City Council will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a Primary Authority and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

### **E. Conduct of Investigations**

All investigations will be carried out under the following legislation and in accordance with statutory powers and controls and any associated guidance or codes of practice, in so far as they relate to Coventry City Council:

- The Police and Criminal Evidence Act 1984.
- The Criminal Procedure and Investigations Act 1996.
- The Regulation of Investigatory Powers Act 2000.
- The Criminal Justice and Police Act 2001.
- The Human Rights Act 1998.
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015.
- General Data Protection Regulation (GDPR).
- Data Protection Act 2018.
- Consumer Rights Act 2015.
- Any other legislation which may be enforced.

The Council's authorised officers will also comply with the requirements of the legislation under which they are acting, and with any associated guidance or codes of practice.

Subject to the needs of an investigation, and where appropriate, officers will notify the individuals or business that they are subject to investigation as soon as is reasonably practicable. The Council will endeavour to make timely decisions about the progress of the investigation and decisions on the most appropriate action. The person or business subject to any investigation will be informed of the outcome.

Breaches of legislation found in premises owned or run by Coventry City Council will be treated in accordance with this Policy as would a breach in other businesses. In addition, details of the breach will be brought to the attention of the appropriate Head of Service and/or Director.

Where action and sanctions are considered in relation to juveniles i.e. anyone under the age of 18 years old, the Council will:

- Take appropriate and fair action;
- Liaise with the relevant youth offending body; and
- Comply with the relevant Government guidance.

Enforcement information is likely to be predominantly communicated through digital channels. Although most people are now digitally connected, some people may not have the confidence or ability to access digital information. Where this is the case, officers will provide hard copies of documents on request and give verbal advice in person or over the phone, if requested to do so.

Upon request and where available, information will be made in accessible formats and meetings will be held in accessible locations. Where enforcement action against a pregnant or nursing mother is considered necessary, we will upon request, provide reasonable and practical support e.g. arranging appointments to suit the parent.

We will ensure that information and communications are written in plain English, and where available, and upon request, resources will be provided in other languages.

## **F. Sanctions**

### **Compliance Advice, Guidance and Support**

The Council will issue compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified.

Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. We will always make it clear what is a legal requirement and what is best practice. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction, but it may be presented in evidence.

Coventry City Council recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority.

Where more formal enforcement action, such as a Simple Caution or prosecution, is taken, the Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

### **Voluntary Undertakings**

Unless there is a duty on Coventry City Council to take formal action, the Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **Statutory (Legal) Notices**

In respect of many breaches the Council has powers to issue statutory notices. These include but are not limited to: 'Abatement Notices,' 'Prohibition Notices,' 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice is a criminal offence and may lead to prosecution or as an alternative a financial penalty, and/or, where appropriate, the carrying out of work in default, the costs of which may be recovered at a later date.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient. Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

### **Seizure and Forfeiture**

Certain legislation enables authorised officers to seize goods, equipment or documents that may be required as evidence for potential future court proceedings. This may include, for example, unsafe food, unsafe products or any goods. When officers seize goods, equipment or documents, an appropriate receipt will be given to the person from whom the items are taken.

### **Financial Penalties**

The Council has powers to issue Civil Penalties and Fixed Penalty Notices (FPN) in respect of some breaches. A penalty is an opportunity for an individual to discharge liability. It is not a criminal conviction and does not appear on an individual's criminal record. If a penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a penalty is paid in respect of a breach, the Council may not take any further enforcement action in respect of that breach, however, this is dependent on the legislation being enforced and alleged offenders will be advised of this at the time of issue.

Payment of a penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

If financial penalties are available, it is at the discretion of the Council to opt to issue one. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is considered more appropriate than the issue of a penalty.

### **Injunctive Actions, Enforcement Orders etc.**

In some circumstances the Council may seek a direction from the court (in the form of an Order or an Injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

In certain circumstances Community Protection Notices (CPNs) or Criminal Behaviour Orders (CBOs) can be issued and obtained in respect of anti-social behaviour (ASB).

Where the non-compliance under investigation amounts to ASB such as persistent targeting of an individual or a group of individuals in a particular area, or activity that is deemed detrimental to quality of life, a CPN or CBO may be sought or issued to stop the activity.

which may lead to imprisonment.

The Council is required to seek enforcement Orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court Order if it has serious concerns about compliance.

### **Simple Caution**

Coventry City Council has the power to issue Simple Cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the Simple Caution. Where a Simple Caution is offered and declined, the Council is likely to proceed with a prosecution.

A record will be kept of the Caution, and it may influence a decision to institute proceedings should a person be found to be infringing the law in the future. The Caution may be cited as an aggravating feature should an individual subsequently be found guilty of an offence in a court of law.

If a Simple Caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

### **Prosecution**

Where the circumstances warrant it and the alternative actions detailed previously in this Policy are considered inappropriate, then prosecution may result. Any decision to prosecute will consider the criteria set down in the Code for Crown Prosecutors and will be made in consultation with the Council's legal services.

The criteria to be considered will include, but is not limited to, where relevant:

- a) The nature of the alleged offence;
- b) Where appropriate, the previous history of the party concerned;
- c) Whether there is a realistic prospect of conviction;
- d) The availability and quality of evidence and of any witnesses and their willingness to cooperate; and
- e) The public benefit from prosecution and the significance of the case.

The Council may prosecute without prior warning or recourse to alternative sanctions where the circumstances warrant it and the evidence to support the case is available.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). Due consideration will be given to the availability and compliance with any relevant statutory defence.

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the public interest and, where appropriate, the views of any victim, injured party or other relevant person or impact on the community.

A successful prosecution may result in a criminal record. The court may impose a fine, a community order with requirements or, in respect of particularly serious breaches, a prison sentence. The court may order the forfeiture and destruction of non-compliant goods and/or the confiscation of any assets or profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

### **Refusal/Suspension/Revocation of Licences**

The Council issue a number of licences and permits and also have a role to play in ensuring that

appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. A review of a licence may be considered in addition to or as an alternative to any other action. When considering future licence applications, the Council may take previous breaches and enforcement action into account.

### **Proceeds of Crime Applications**

The Council, either in co-operation with the Police or another Local Authority, may make an application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from their criminal conduct. Proceedings are conducted according to the civil standard of proof.

### **Public Spaces Protection Orders**

Public Spaces Protection Orders (PSPO) are used, following consultation, to prohibit certain activities within identified public spaces or to require specified things to be done by persons carrying on specified activities in that area.

These Orders are introduced if:

- a) Activities carried on in a public space within the authority's area have had a detrimental effect on the quality of life in the locality; and
- b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

A PSPO provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without reasonable excuse is an offence.

## **G. Complaints and Appeals**

Where any enforcement action is conducted under legislation which contains a specific appeals procedure, an individual will be advised of that procedure at the required time.

Should there be any concerns or complaints about the actions of any authorised officers of the Council, then these should be made in the first instance to the manager of the service or team in question.

If the matter is not resolved at this stage, a formal complaint can be made by accessing our comments, compliments and complaints procedure below or by asking the manager of the service to escalate the matter on your behalf:

<https://www.coventry.gov.uk/contact-council/comments-compliments-complaints/2>

## **H. Equal Opportunities**

The Council places equality at the heart of everything we do to meet the needs of those with protected characteristics. The Council is fully committed to ensuring fair and equal services are provided to all. To help ensure this, an Equality Impact Assessment (EIA) has been completed for this Policy.

## **I. Monitoring and Review**

All proposed enforcement actions shall be assessed against this Policy by the investigating officers concerned in conjunction with the line or the service manager and the Council's Legal Services Team, where appropriate.

This Policy will be reviewed every 3 years or at such times as guidance or legislation requires.



## Appendix 2 - Equality Impact Assessment

### EIA-565149325 - Regulation and Communities Enforcement Policy - Review

#### Details

<b>Title</b>	Regulation and Communities Enforcement Policy - Review
<b>Author</b>	Nicola Castledine (Food and Safety Manager)
<b>Head of service</b>	Davina Blackburn (Strategic Lead - Regulation and Communities )
<b>Cabinet member</b>	Councillor A S Khan (Policing and Equalities)

#### Context and background

**EIA carried out on** Review of policy or strategy

## Background

The Regulation and Communities Enforcement Policy ('the policy') outlines the overarching enforcement principles of the Regulation and Communities service area. The policy needs a review to ensure it takes account of new guidance, legislation and incorporates changes to the service area.

The Regulation and Communities service undertakes a range of enforcement activities across a number of teams including Food and Safety, Licensing, Business Compliance, Taxi Licensing, Street Enforcement, Property Licensing, Housing Enforcement, Community Safety, Emergency Services /CCTV and Building Control.

The service enforces a wide range of legislation and has a duty to protect the public and ensure compliance where it enforces and regulates.

The policy details the regulatory teams covered by it and as a broad spectrum of work areas is covered by the policy, it may be supplemented by additional policies in some areas of work.

The enforcement activities of the service can affect businesses, consumers and the general public in a number of ways, either in supporting them into compliance or by ensuring that appropriate action is taken when people or businesses are found not to be compliant.

The policy sets out the expectations for those affected by regulatory activity and aims to help them understand what they should expect from the service's enforcement activities, as well as ensuring a fair, consistent and transparent process for everyone.

Regulation and Communities aims to apply the principles of good regulation as laid down in the Legislative and Regulatory Reform Act 2006. These principles are that:

- Regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and
- regulatory activities should be targeted only at cases where it is needed.

Furthermore, the service seeks to ensure that the Regulators Code is central to all enforcement decisions. The Code's aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement.

A range of potential enforcement activities is set out in the policy, which ranges from advice, guidance and support to prosecutions and revocation of licences.

The policy also outlines the rights and responsibilities of the regulated persons and businesses, as well as the options for complaints and appeals.

In the future, the policy will be reviewed every three years or at such times as legislation requires it, to ensure it reflects current legislation, best practice and public expectations.

**Stakeholders**

**Directly impacted - alleged offenders and those who have contravened legislation enforced by the service area. This may be individuals, partnerships, limited companies or body corporates. Indirectly impacted - legal professionals who seek to defend alleged offenders from enforcement action.**

**Potentially impacted - customers or those who utilise the business / services of those alleged offenders e.g a food business may not be able to carry on trading if they are prosecuted for poor food hygiene.**

**Help to make it work - Strategic Lead Regulation and Communities, all Regulation and Communities Managers, all Regulation and Communities Enforcement Officers, Legal Services Regulatory Team.**

**Who knows the subject - Strategic Lead Regulation and Communities, all Regulation and Communities Managers, all Regulation and Communities Enforcement Officers, Legal Services Regulatory Team.**

**Who will have an interest - Strategic Lead Regulation and Communities, all Regulation and Communities Managers, all Regulation and Communities Enforcement Officers, Legal Services Regulatory Team, alleged offenders and those who have contravened legislation enforced by the service area and legal professionals who seek to defend alleged offenders from enforcement action.**

**Responsibility**

**Strategic Lead Regulation and Communities, all Regulation and Communities Managers and all Regulation and Communities Officers.**

## Consideration of impact

**Coventry's population size has increased by 8.9%, from around 317,000 in 2011 to 345,300 in 2021. Historically, Coventry has been one of the youngest cities in the UK, with a fast-growing population of young adults aged 18-29 and a median age of 32 years compared to the UK average of 40. In the coming years, this is expected to change rapidly, with the 65+ age group expected to become the fastest-growing demographic over the next 15 years. As of 2020, people aged 75+ represent just 6% of the city's population, compared to the UK average of 9%; but by 2043, the proportion of people aged 75+ is expected to grow to nearly 8%. Over the past decade, the city has become increasingly ethnically diverse, with just under half of its school-aged population from an ethnic minority background in 2021; up from around one-third of the city's population from an ethnic minority background at the 2011 census. The 2021 Census identified that 29.9% of the population were not born in England.**

**Baseline data and information**

Following Brexit and COVID-19 pandemic related lockdowns, the economic outlook for the city remains challenging and uncertain. In 2021, there were 10,210 enterprises in the city with a certain amount of 'churn' taking place. In 2020 1,575 new enterprises were 'born' and 1,355 enterprises 'died'.

There are significant pockets of multiple deprivation in the city with 18.5% of the city's neighbourhoods amongst the 10% most deprived areas in England. In total the city is the 46th most deprived local authority area out of 326 across England.

In undertaking this EIA, research has been undertaken to establish what, if any, national equalities data is collected by regulatory services teams nationally, and none can be found.

Here in Coventry, historically, local enforcement data has not been collected by teams, however, it is recognised that this is no longer acceptable. In February 2023, the Property Licensing and Housing Enforcement team developed and started using an Equality and Diversity Online Survey to provide to customers, including those whom we take enforcement action against, to help us build a profile of the people using our service. In October 2023, this was rolled out more widely and is now used across the service area.

The collected data will enable us to:

- Establish who is subject to enforcement action and identify if there are any trends in terms of protected characteristics.
- Understand the needs of those we enforce against and whether there is any disadvantage faced by people with the different protected characteristics.
- Adapt our enforcement procedures to ensure that those we enforce against are not discriminated against.
- Benchmark our enforcement action against other local authorities to establish areas for improvement.

The 2011 Census identified that 86.1% of the population spoke English as their main language, 2.3% spoke Panjabi, 2% spoke Polish, 0.83% spoke Gujarati, 0.82% Urdu and 0.6% spoke Arabic as their main language.

## Protected groups

**Age 0-18**

**Positive impact - The overriding objective of the service is to protect and have a positive impact on the health and safety of those who live and work in the city and most especially, to protect those who are more vulnerable and at risk, including young people. This includes taking sensible and proportionate action where necessary to ensure those we regulate comply with legislative requirements and their statutory duties.**

**Where action and sanctions are considered in relation to juveniles i.e. anyone under the age of 18 years old, the policy makes it clear that the Council will:**

- Take appropriate and fair action and**
- liaise with the relevant youth offending body and**
- comply with the relevant Government guidance.**

**Age 19-64**

**Positive impact - See above regarding the overriding objective of the service.**

**It is anticipated that most of the enforcement action undertaken by the service will be in relation to this age group as this group constitutes the majority of the working population. The policy makes it clear what enforcement action can be undertaken by Officers and makes it clear what support is available to those whom are subject to enforcement, to enable them to understand and engage in the process.**

**Age 65+**

**Positive impact - See above regarding the overriding objective of the service.**

**Enforcement information is likely to be predominantly communicated through digital channels. Although most age groups are now digitally connected, some older people may not have the confidence or ability to access digital information.**

**Officers will therefore provide hard copies of documents on request and give verbal advice in person or over the phone, where action and sanctions are considered in relation to people aged 65+.**

Positive impact - See above regarding the overriding objective of the service.

We will ensure that information is accessible for people with hearing and visual impairments. Information will therefore be made available in accessible formats on request.

We need to ensure that meetings are held in accessible locations if required.

There is a risk that disabled people, including those with a learning disability may be at risk of coercion or exploitation leading to enforcement.

**Disability** The Code for Crown Prosecutors requires us to consider the level of culpability of the alleged offender before commencing enforcement action. The higher the level of culpability, the more likely it is that enforcement action is required.

An alleged offender is likely to have lower culpability if they have been compelled, coerced or exploited or if they were affected by significant mental or physical ill health or disability at the time of the alleged offence.

However, before a decision is made to commence enforcement action, regard will be had to the seriousness of the offence, whether the alleged offender is likely to re-offend and the need to safeguard the public.

**Gender  
reassignment**

No impact - No issues identified.

**Marriage and civil  
partnership**

No impact - No issues identified.

**Pregnancy and  
maternity**

Positive impact - See above regarding the overriding objective of the service.

Where enforcement action against a pregnant or nursing mother is considered necessary, the service will upon request, provide reasonable and practical support e.g. access to breast feeding and changing facilities during meetings, arranging appointments to suit the parent.

**Race**

Positive impact - It is considered likely that as Coventry has become increasingly ethnically diverse, that the ethnicity and languages spoken by those who are subject to enforcement action by the Regulation and Communities service area, may potentially be barriers to understanding the detail of the revised enforcement policy and to understanding the communication of enforcement action.

We will, therefore, ensure that information and communications are written in plain English and where available, and upon request, resources are provided in other languages.

<b>Religion and belief</b>	<b>No impact - No issues identified.</b>
<b>Sex</b>	<b>No impact - No issues identified.</b>
<b>Sexual orientation</b>	<b>No impact - No issues identified.</b>

**Health inequalities (HI)**

**Coventry is a 'Marmot City' and the council and other statutory organisations work together to reduce health inequalities.**

**The work of the Regulation and Communities service area, contributes to the following Marmot Principles:**

**Ensure a healthy standard of living for all.**

**The Marmot Review highlighted that having insufficient money to lead a healthy life creates significant health inequalities, leads to poorer health outcomes, and impacts life expectancy for some people.**

**The service contributes to a number of programmes of work and activities that support the 'ensure a healthy standard of living for all recommendation' which aim to:**

- i. Improve the energy efficiency of housing stock.**
- ii. Improve the food environment with a connected system that allows access to food.**

**Create fair employment and good work for all.**

**The Marmot Review summarised the importance of addressing inequalities in work and employment as follows 'Being in good employment is protective of health. Conversely, unemployment contributes to poor health. Getting people into work is therefore of critical importance for reducing health equalities.'**

**The service contributes to a number of programmes of work and activities that support the 'create fair employment and good work for all recommendation' which aim to:**

- i. Work with businesses to improve the quality of jobs, creating health promoting workplaces that support the health and wellbeing of employees.**

**Create and develop healthy and sustainable places and communities.**

**Living in healthy places is protective of good health. Where we live, and how we travel in our communities, impacts our physical health,**

well-being and connectedness. We need to mitigate against the sources of pollution and promote the quality of the urban environment by enhancing liveable spaces. Housing is fundamental to the wellbeing of people, their families, and their communities. Safe, secure, and suitable housing provides a stable base on which people can build their lives and build successful communities. Community assets are important to health directly and indirectly: directly through the services and opportunities they offer that support physical and mental health, and indirectly through a sense of control and empowerment, levels of community cohesion and social interaction, all of which support good health.

The service contributes to a number of programmes of work and activities that support the 'create and develop healthy and sustainable places and communities recommendation' which aim to:

- i. Empower and enable community solutions.
- ii. Providing practical support to strengthen the community sector.
- iii. Create good quality green spaces that are accessible locally.
- iv. Maximise opportunities to improve the safety, security, and quality of housing across the social gradient.

How HI will be reduced

Strengthen the role and impact of ill health prevention.

The Marmot Review summarised the importance the impact of addressing inequalities in health in later life and investing in the early years to preventing ill health later in life.

The service contributes to a number of programmes of work and activities that support the 'strengthen the role and impact of ill health prevention recommendation' which aim to:

- i. Promote healthy behaviours and lifestyles across the system to maximise impact and tackle barriers to healthy lifestyle, including mental wellbeing, diet, exercise, smoking and drugs and alcohol.
- ii. Promote domestic abuse programmes offering a range of interventions and programmes for the 'whole family' including victims, children and young people and perpetrators and perpetrators.

Pursue environmental sustainability and health equity.

Many of the actions to reduce greenhouse gas emissions will also improve health and reduce existing health inequalities. However, there is a potential for interventions and the recent increases in energy costs to widen inequalities. There must be an equity focus as well as a harm reduction and mitigation focus on interventions and strategies to reduce the effects of climate change.

The service contributes to a number of programmes of work and activities that support the 'pursue environmental sustainability and health equity recommendation' which aim to:

- i. Maximise opportunities to improve the safety, security, quality, ventilation, and energy efficiency of housing to an EPC (Energy Performance Certificates) rating of C or above wherever possible

across the social gradient.

Decisions made by the council have the potential to impact significantly on the lives of Coventry residents, and often any negative impact is felt most by those in the lowest socio-economic groups, therefore contributing to increasing inequalities. It is therefore important that negative impact is recognised and mitigated where possible.

The Enforcement Policy sets out how the service approaches and undertakes enforcement activity in Coventry. The overriding objective of the service is to protect and have a positive impact on the health and safety of those who live and work in the city and most especially, to protect those who are more vulnerable and at risk, including young people. This includes taking sensible and proportionate action where necessary to ensure those we regulate comply with legislative requirements and their statutory duties.

With limited resources, the work of the service has to be carefully targeted according to public health risk, with poor performers receiving closer, more regular scrutiny than broadly compliant ones. All proposed enforcement action must be proportionate, transparent and targeted where it is needed.

Taking enforcement action against those who do not comply with their statutory obligations, helps to "level the playing field" for those who live and work in the city.

**Evidence showing  
how HI will be  
reduced**

The work of each team in the Regulation and Communities, is planned at the start of each year, is monitored and adjusted accordingly.

Each quarter, performance statistics are compiled and reported upon; both at divisional and One Coventry Leadership Team level. This includes the monitoring of project outcomes, inspection data, details of complaints investigated etc and crucially, statistics on enforcement action are collated e.g. number of prosecutions initiated, statutory notices served, Simple Cautions issued, and civil penalties issued.

Each team in the service completes regular statutory returns to the Government Agency responsible for overseeing that area of work e.g. Gambling Commission, Food Standards Agency, Health and Safety Executive, to ensure the local authority is held accountable for service provision.

An equality and inclusion survey has recently been introduced to find out more about the people who use the services of Regulation and Communities and to find out how we can be more inclusive. Data from the survey will help shape service provision going forwards.

**Groups of people who face HI**

**People using poor performing businesses in the city are likely to face the biggest health inequalities e.g. those living in sub-standard privately rented housing are likely to be negatively impacted by the conditions in which they live. Likewise, those purchasing food from sub-standard shops and restaurants, are more likely to become ill from eating poorly prepared food than those who purchase food from good premises.**

**How to improve HI for groups identified**

**Through targeted and proportionate enforcement action, poor performing businesses / individuals / traders etc, will be brought up to standard and held accountable for their actions / inactions.**

## **Digital inequalities (DI)**

The service does not assume that those we enforce against have digital access and skills. Officers utilise a variety of methods to engage with those who are subject to enforcement action and this ranges from digital methods to using the postal service to face to face meetings and visiting service users at their place of work or home.

Proactive interventions are undertaken depending on risk; with risk being evaluated by officers. This means duty holders do not need to access services themselves.

Access to response services can be made either digitally, by telephone or by visiting the council's Contact Centre.

**Impact to DI**

In order to continually improve our services, Regulation and Communities is due to launch a new Customer Services Charter imminently that has been developed specifically for the service area. This Charter outlines the standards and expectations that we aim to deliver to our customers, both internal and external. It also defines the values and principles that guide our work and the behaviours that we expect from our staff.

The new Customer Services Charter reflects our commitment to provide high-quality, responsive, and consistent services that meet the needs and expectations of our customers.

Importantly the Charter is not just a document, but a way of working that we need to embed in our culture and practice. It is a tool that will help us to improve our performance, enhance our reputation, and increase our customer satisfaction and loyalty. Managers have a key role in leading and supporting their teams to work towards and comply with the new Charter. Managers will ensure that officers are aware of the Charter, understand its implications, and apply it in their daily work.

Managers will monitor and evaluate their team's performance against the Charter standards and provide feedback and recognition.

**Opportunities to reduce DI**

These are no currently identified digital inequalities, however, the service area does recognise that by surveying our customers and seeking feedback, digital inequalities may be identified and as a service we are committed to working on these going forwards.

Inequality	Action	Owner	Timescale
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<p><b>Monitor and evaluation</b></p>	<ul style="list-style-type: none"> <li>• Continue to monitor and review the EIA and its outcomes on a regular basis, and update the policies, procedures, and guidance documents of the service area accordingly.</li> <li>• Continue to consult and engage with the staff and managers of Regulation and Communities, as well as other stakeholders, such as service users, community groups, and external partners, and seek their views and feedback on the delivery and improvement of the Regulation and Communities Enforcement Policy.</li> <li>• Continue to collect and analyse data and evidence on the profile, needs, and experiences of different groups of people in relation to the service area, and use it to inform planning and decision-making in the future.</li> <li>• Continue to provide information, advice, and guidance on regulation in accessible formats and other languages, where reasonable and upon request.</li> <li>• Continue to promote equality and foster good relations between different groups of people, and celebrate the diversity and inclusion of the community, through the work of the service.</li> </ul>
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**Impact on Council staff**

<p><b>Will there be an impact?</b></p>	<p><b>No</b></p>
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**Completion statement**

<p><b>Potential equality impact</b></p>	<p><b>Positive impact has been identified for one or more protected groups</b></p>
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Cabinet Member for Policing and Equalities

27<sup>th</sup> February 2025

**Name of Cabinet Member:**

Councillor A S Khan

**Director Approving Submission of the report:**

Director of Law and Governance

**Ward(s) affected:**

Foleshill

**Title:** Extension of existing Public Spaces Protection Order for Edgwick Park

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**Is this a key decision?**

No

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**Executive Summary:**

There is currently a Public Spaces Protection Order (PSPO) in place for Edgwick Park and bordering streets. The Order, that prohibits the congregation of groups of 2 or more persons in the designated areas, initially put in place 2019 and then extended for a further three years is due to expire in April 2025.

It is proposed to extend the PSPO with the same conditions for a further 3 years to allow park users and the local community to benefit from the facilities of the park, without suffering the issues that blighted the park previously.

Contained within this report are impact statements from key partner agencies supporting the extension of the existing PSPO, under the Anti-Social Behaviour, Crime and Policing Act 2014.

**Recommendations:**

The Cabinet Member is recommended to:

- (1) Note the attached impact statements from key agencies and their rationale for extending the existing Order.
- (2) Approve that the Order be extended for a period of three years from the date the current Order is due to expire.
- (3) Request that all partner agencies continue their current actions, patrol plans and monitor the surrounding areas for any potential displacement of the issue.

**List of Appendices included:**

Appendix 1 – Proposed draft Order for Edgwick Park

Appendix 2 – Impact statements

Appendix 3 – Equality impact Assessment

**Background papers:**

None

**Useful documents:**

None

**Has it been or will it be considered by Scrutiny?**

No

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

No

**Will this report go to Council?**

No

## **Report title: Proposed Public Space Protection Order for Edgwick Park**

### **1. Context (or background)**

- 1.1 Edgwick Park is a relatively small park located in the Foleshill ward. It is bounded by the Foleshill Rd, Eld Road and Cross Road. There is also a primary school, Edgwick Community Primary School located within the park. The park has a children's play area and the park itself is intended to be a community park where families with children will come to use the facilities. There is also a Family Hub on the edge of the park.
- 1.2 Historically, groups of males had congregated in the park, drinking alcohol and socialising. Partnership intelligence reports identified that there were groups of young people, particularly girls that were attracted to the park to access alcohol from these same groups of males. There were concerns that this was resulting in sexual exploitation.
- 1.3 As a result of these concerns a PSPO was created in 2019 to address these concerning behaviours and to try to give ownership and usage of the park back to the local community.
- 1.4 Community safety partnership resources have subsequently been focused on this area. Police patrols in the park were increased along with dedicated youth workers. In addition, considerable landscaping works have been made to the park to improve visibility for patrolling officers.
- 1.5 The park and surrounding area are currently highlighted as a specific area in Operation Eternity, designed to address Anti Social Behaviour (ASB) in recognised problematic locations. This reflects existing concerns for the wider area as well as the park itself.
- 1.6 On the whole, the PSPO has operated successfully, however it has not eradicated issues within the park entirely, but what it has meant is that when officers attend the park, they can disrupt groups quickly and easily, which was not the case prior to the PSPO.

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

- 2.1 Do nothing (not recommended). The potential seriousness of the situation should it revert back to historical matters is such that the Council and its partners should look to utilise all available tools to address known issues.
- 2.2 Removing the powers currently available to officers would mean that they would lose the ability to be proactive should groups be causing issues in the park. Officers would have to wait for matters to escalate to a criminal threshold rather than simply move people on. It is also a more efficient use of limited resources.
- 2.3 Renew the PSPO for Edgwick Park (recommended) for a period of three years. Whilst the Police already have powers to deal with anti-social behaviour, the renewal of the PSPO would be useful to Police officers in managing situations that could potentially escalate. The Council consulted on the introduction of this power previously upon its initial introduction and it was universally supported. There is nothing to suggest this PSPO is unpopular with local residents.
- 2.4 A PSPO allows for restrictions to be placed with a defined area, it can prohibit certain activities or gatherings of groups if they can be shown to be problematic and the PSPO is believed to be proportionate to address the problematic behaviour. An offence committed under a PSPO is when someone fails to comply with an instruction from a Police or Council officer. In this example that instruction would be for a group of individuals to leave the park if their behaviour was felt to be, or potentially to be, inappropriate.

2.5 The amount of the Fixed Penalty Notice (FPN) for non-compliance with a PSPO will be set at £100 and reduced to £60 if paid within 14 days; this would be in line with other PSPO's in force in the city. Where fixed penalties are not paid, the Council would have the option of prosecuting offenders. A person who breaches the Order shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

### 3 Results of consultation undertaken

3.1 A public consultation was conducted for the creation of this PSPO. A full public consultation is not required for a renewal; however, impact statements were obtained from key partners in relation to the park and activities and concerns. These statements can be found in Appendix 2. The Police and Crime Commissioner was consulted, no comments received at time of completing this report.

### 4 Timetable for implementing this decision

4.1 Should the Cabinet Member decide to renew the existing PSPO, it will be published on the Council's website, and it will come into force in line with expiry of the existing PSPO to ensure continuity of the powers. Existing signage is already present in the park.

4.2 Patrols and patrol plans are already in place for the location and will be continuing. The PSPO will be valid for a period of three years and can be extended or amended, providing due process is followed.

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

5.1 **Financial implications.** No additional resource will be required to implement the proposed PSPO. Any additional income generated by the introduction of a PSPO will contribute towards Council resources.

5.2 **Legal implications.** Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2014, Local Authorities have powers to make PSPOs. PSPOs can only apply to public places.

5.3 The Council is entitled to extend the existing PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 to prohibit congregations, or specific behaviours within the park. The wording of the proposed PSPO is attached at Appendix One. The extension is supported by impact statements from key partners as attached at Appendix 2.

5.4 It is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice. A person guilty of an offence under section 67 of the Anti-social Behaviour, Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## 6 Other implications

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

#### Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Partnership and Strategic Assessment.

### 6.2 How is risk being managed?

Officers from several agencies continue to monitor the area. The renewal of the PSPO will assist the Police in controlling anti-social behaviour.

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

None

### 6.4 Equalities / EIA

EIA in appendices

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

The purpose of taking action to address behaviours in the park should increase usage of the park for legitimate purposes, in an attempt to improve the environment and wellbeing of the community.

### 6.6 Implications for partner organisations?

The existence of powers to address ASB can only benefit all partner organisations with an interest in the park and the wider area. It should promote park usage and positive activities within the park. There are no anticipated negative implications.

#### Report author(s):

Liam Nagle

#### Name and job title:

Liam Nagle – Community Safety Officer

#### Service:

Regulation and Communities

#### Tel and email contact:

02476 832063

Liam.Nagle@coventry.gov.uk

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
<b>Contributors:</b>				
Adrian Chowns	Head of Safer Housing and Communities	Regulatory Services	19/12/24	19/12/24

Tim Wetherhill	Parks and Open Spaces Manager	Streetpride and Greenspaces	19/12/24	19/12/24
Lara Knight	Governance Services Coordinator	Law and Governance	24/01/25	24/01/25
<b>Names of approvers for submission:</b> (officers and members)				
Finance: Richard Shirley	Lead Accountant	Finance	19/12/24	19/12/24
Legal: Faye Cartwright	Regulatory Lawyer	Law and Governance	21/01/24	21/01/24
Kate Eales	Senior HR Manager	Resources	19/12/24	19/12/24
Julie Newman	Director Law and Governance	Law and Governance	19/12/24	19/12/24
Members: Name				
Cllr A. Khan	Cabinet Member Policing and Equalities		19/12/24	19/12/24

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**Coventry City Council**  
**Anti-Social Behaviour, Crime and Policing Act 2014, Section 60**  
**Edgwick Park Anti-Social Behaviour 2025**

The Council of the City of Coventry (“the Council”) hereby extends the following Public Spaces Protection Order (Edgwick Park Anti-Social Behaviour) under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014.

1. This Order shall come into operation on 28<sup>th</sup> April 2025 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
2. This Order relates to Edgwick Park and the bordering streets (“the Designated Area”) as shown edged in red on the attached plan.
3. The Council is satisfied that the two conditions required by the Act have been met, in that:-
  - a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
  - b. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this Order.

By this Order

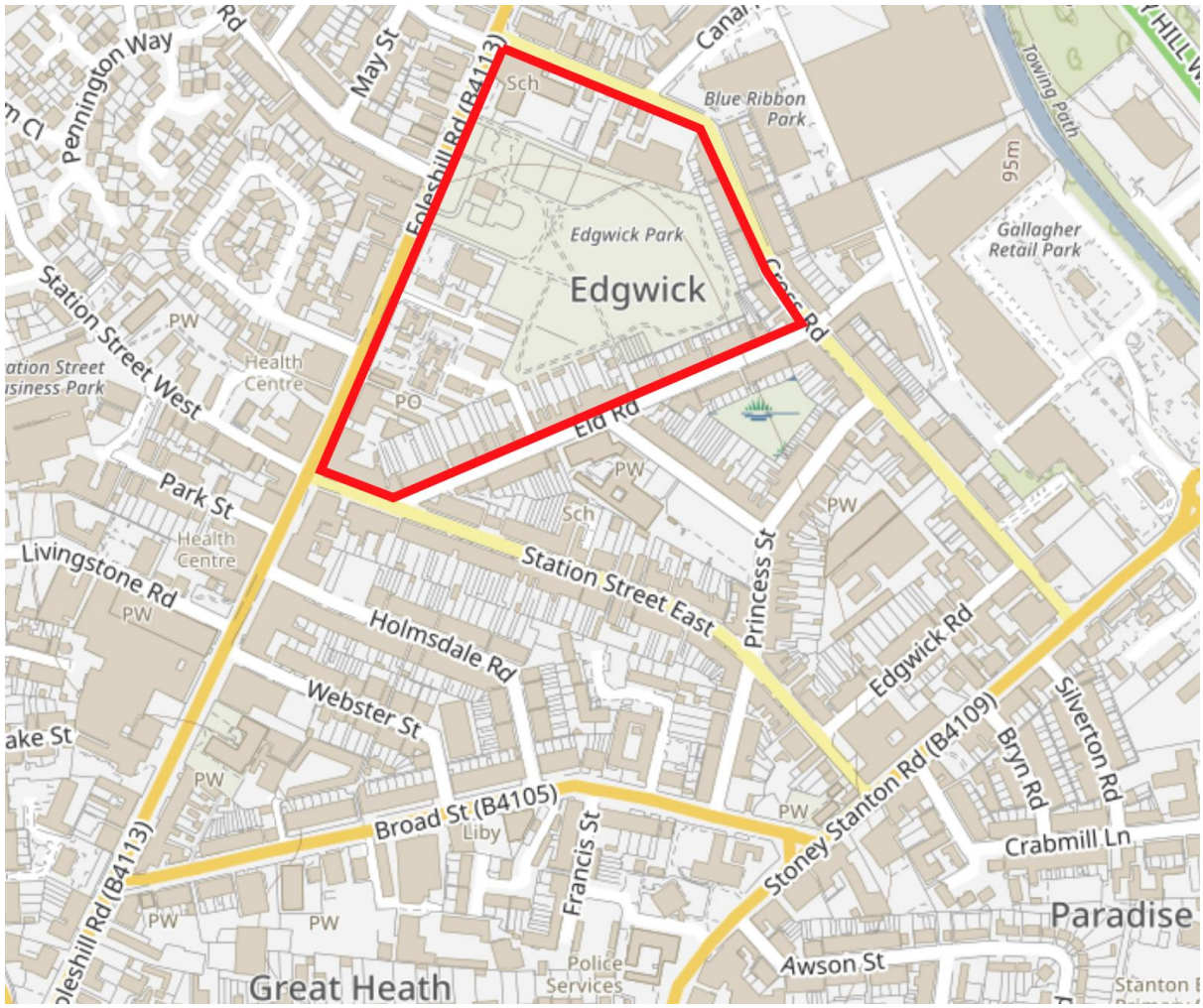
3. The purpose of this order is to prevent any activities associated with Child Exploitation of any type and anti-social behaviour in the Designated Area including but not limited to fighting, drinking alcohol, drug taking and dealing, urinating and littering.
4. The Council makes this Order because it is satisfied on reasonable grounds that groups of people within the Designated Area are and have carried out anti-social activities. These activities are persistent and continuing and have resulted in members of the community feeling intimidated and unsafe.
5. The effect of this Order is to prohibit the congregation of groups of 2 or more persons in the Designated Area where the behaviour of some or all members of the group has or is likely to have a detrimental effect on the quality of life of those in the community.

Offences under this section of the Public Space Protection Order:

- a. A person who breaches this section of the Order shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.
- b. A Fixed Penalty Notice can be issued to offenders who breach this Order which if paid would discharge any liability to conviction for an offence under Section 67(1) of the Act.

Appeals





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## **Appendix Two – Impact Statements**

My Name is Gemma Marston I am the Sector Inspector for the North East of Coventry, which includes Edgwick Park.

Edgwick Park is included in an area served by Operation Eternity, this is a specific operation to address concerns regarding Criminal and Anti Social behaviour in defined areas. The fact Edgwick Park is within this identified area demonstrates the potential for it to be problematic if not managed appropriately, which was the historical issue.

As part of Operation Eternity additional patrols are allocated to these areas to provide reassurance and challenge people as appropriate to keep the community safe and reassured.

We still do on occasion have reason to use the PSPO powers for Edgwick Park, they are a useful resource to my officers as they allow for proactive and decisive action to be taken where it is felt groups are causing issues or making the community generally feel uncomfortable or unable to use the park safely.

Without these powers we would have to wait until a criminal or anti-social act is committed which could result in Police resources being tied up for a disproportionate amount of time for something that currently be delt with quickly and efficiently using the PSPO.

For these reasons I support the renewal of the existing PSPO.

My name is Tim Wetherhill, I am the Parks and Openspaces manager for Coventry City Council.

My service is responsible for the maintenance and running of Edgwick Park, which is located in the Foleshill ward. Historically there were a significant number of issues at the park, relating to large groups congregating, often drinking alcohol and attracting others to the area.

This resulted in less local residents and community groups using the park, parents reported that they didn't feel safe either visiting with their children or allowing their children to play at the park with friends.

These groups also tended to drink and use drugs which would increase the amount of cleaning resources we would have to allocate to the park.

Since the introduction of the PSPO there has been a marked improvement in the park, we have more local residents and community groups using the park as they feel confident they are less likely to encounter problematic groups of people.

It has not meant there are no problems in the park any more, we still occasionally get problems but the powers given by the PSPO allow officers to quickly deal with matters and it means that Police officers can be proactive to address concerns people may have.

For the above reasons I support the renewal of the PSPO at Edgwick Park.

My Name is Sally Snooks I am the headteacher at Edgewick Primary school which borders onto Edgewick Park.

I am aware of the historical issues that occurred at the park and the problems that posed for the wider community and crucially concerns from parents of the children that attend the school.

Generally speaking, matters have improved at the park following the creation of the order. We are still aware of isolated incidents that occur in the park from time to time and we would like to see more regular, visible patrols by Police officers during peak times, particularly at times when children are leaving the school.

I would be concerned were the order to expire and the powers that allow for Police to move on groups acting in an anti-social manner are lost.

As a school we are looking to utilise the park where possible for children to learn and for them to feel a part of the local community so having a safe environment for them is very important.

I am supportive of the proposal to renew the Public Spaces Protection Order in Edgewick Park.

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### Details

<b>Title</b>	Edgwick Park PSPO 2025
<b>Author</b>	Liam Nagle (Community Safety Officer)
<b>Head of Service</b>	Adrian Chowns (Head of Safer Housing and Communities)
<b>Cabinet Member</b>	Cllr Abdul Khan (Cabinet Member for Policing and Equalities)

### Context and background

<b>EIA carried out on</b>	Review of policy or strategy
<b>Background</b>	<p>A renewal of a Public Spaces Protection Order to address Anti Social Behaviour in Edgwick Park, Foleshill. The wording of the order states ;</p> <p>The purpose of this order is to prevent any activities associated with Child Exploitation of any type and anti-social behaviour in the Designated Area including but not limited to fighting, drinking alcohol, drug taking and dealing, urinating and littering. The Council makes this Order because it is satisfied on reasonable grounds that groups of people within the Designated Area are and have carried out anti-social activities. These activities are persistent and continuing and have resulted in members of the community feeling intimidated and unsafe.</p> <p>A breach of this order could result in a Fixed Penalty notice of £100 or a summons to court. We rarely need to issue notices as almost all groups disperse when instructed to by Police officers and as such the order has shown to be effective without the need to penalise/criminalise people.</p>

<b>Stakeholders</b>	Community Safety - Liam Nagle Parks and Open spaces - Tim Wetherhill West Midlands Police - Gemma Marston Edgewick Park Primary School - Sally Snooks
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<b>Responsibility</b>	Liam Nagle - Community Safety
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## Consideration of impact

### Baseline data and information

Edgewick Park is located in Foleshill Ward in the north east of the city. Foleshill ward is a very diverse ward and is somewhere where many new and emerging communities locate themselves. Historically complaints were received from local residents and community groups including the primary school about large groups, mainly males gathering to socialise, drink alcohol and similar. This discouraged others from using the park and concerned parents who would not allow their children to visit. There were also reports of young people attracted to the park by the offer of alcohol, this left them at risk of exploitation and some criminal reports were made. Since this order was created the vast majority of reports have dropped to very low levels and the renewal is intended to keep this moving forwards rather than risk losing the powers and things returning to how they were previously.

## Protected groups

### Age 0-18

Positive impact - Addressing Anti Social Behaviour in the park will make the park a safer and more welcoming location for families and young people and should result in increased use of the park as people are not deterred by groups committing Anti Social Behaviour

### Age 19-64

Positive impact - Addressing Anti Social Behaviour in the park should make it more welcoming for all users

### Age 65+

Positive impact - Addressing Anti Social Behaviour in the park should make it more welcoming for all users

### Disability

Positive impact - Addressing Anti Social Behaviour in the park should make it more welcoming for all users

### Gender reassignment

No impact -

<b>Pregnancy and maternity</b>	No impact -
<b>Race</b>	Both positive and negative impacts - Reducing Anti Social Behaviour in the park should benefit all park users, but there is a possibility that cultural differences or language barriers could result in behaviours being deemed anti social that are not. Officers involved in enforcement have access to flash cards and translation services if needed and community champions are available if there are repeated issues.
<b>Religion and belief</b>	No impact -
<b>Sex</b>	Positive impact - Issues in the park previously highlighted sexual exploitation, particularly around young girls gathering with groups of predominantly male, older drinkers. They placed themselves in risky, vulnerable situations. The powers currently in place make those initial groups less likely to occur and therefore make the park safer for females.
<b>Sexual orientation</b>	No impact -
<b>Care experienced</b>	Positive impact -

## Health inequalities (HI)

<b>How HI will be reduced</b>	<p>This proposal should have an impact in reducing health inequalities as it will make it more likely that all age groups will use the park and improve their overall health by engaging in physical activities such as walking, running, playing. It will also help people's mental health as they will be outdoors and likely to be engaging with others in the park.</p> <p>Key Marmot principles it addresses are ;</p> <ol style="list-style-type: none"> <li>1) Give every child the best start in life - access to safe spaces to exercise, play and socialise.</li> <li>4) Ensure a healthy standard of living for all - make parks an attractive place to meet and enjoy</li> <li>5) Create and develop healthy and sustainable places and communities - putting parks and greenspaces at the centre of communities.</li> </ol>
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<p><b>Evidence showing how HI will be reduced</b></p>	<p>There is no specific information, but it is a logical assumption that making a park less likely to suffer from anti social behaviour should encourage more people to visit and use it. This is an extension of an existing order and local groups, including the primary school have confirmed they now use the park more than they did historically when ASB issues were a significant issue.</p>
<p><b>Groups of people who face HI</b></p>	<p>Historically we saw groups of people congregating including people from new communities and care leavers and vulnerable young people, including care leavers. This piece of work focuses on ASB issues around public drinking and drug taking and therefore makes those groups less likely to be enticed into partaking in such behaviours.</p> <p>It should be remembered this is an extension of an existing order and as such we have already seen these improvements, the extension if granted should embed them. We still have patrols from our Horizon team that deals with the possible exploitation of young people and they will refer young people into services if they express issues with drugs or alcohol. Similarly local Police and third sector groups supporting migrant communities also offer help and advice.</p>
<p><b>How to improve HI for groups identified</b></p>	<p>This is an extension of an existing orders, most of the benefits to improve health inequalities have been realised but we are working with the local primary school and other community groups to encourage more usage of the park by the school and community groups to make it a more pleasant environment to visit, socialise and exercise.</p>

**Digital inequalities (DI)**

<p><b>Impact to DI</b></p>	<p>This piece of work does not impact aspects of digital inequalities</p>
<p><b>Opportunities to reduce DI</b></p>	<p>N/A</p>

**Next steps**

Inequality	Action	Owner	Timescale

**Monitor and evaluation**

All PSPO work in the Council is currently subject to Scrutiny Committee and will consider any negative impacts that may come to light. As an extension to an existing order and through communication with key local stakeholders we are confident if there were significant negative issues connected to this order we would have, or will be notified quickly.

**Impact on Council staff**

**Will there be an impact?**

Yes

**Nature of impact and any mitigation required**

It should have a positive effect on parks staff as the location should suffer from less Anti Social Behaviour, no mitigation required

**Impact on Council staff - Sex**

**Female**

**Male**

**Impact on Council staff - Disability**

**Disabled**

**Not disabled**

**Prefer not to state**

**Unknown**

**Impact on Council staff - Ethnicity**

<b>White</b>
<b>Black, Asian, minority ethnic</b>
<b>Prefer not to state</b>
<b>Unknown</b>

### Impact on Council staff - Sexual orientation

<b>Heterosexual</b>
<b>LGBT+</b>
<b>Prefer not to state</b>
<b>Unknown</b>

### Impact on Council staff - Age

<b>16-24</b>
<b>25-34</b>
<b>35-44</b>
<b>45-54</b>
<b>55-64</b>
<b>65+</b>

### Impact on Council staff - Religion

<b>Any other</b>
<b>Buddhist</b>

<b>Christian</b>
<b>Hindu</b>
<b>Jewish</b>
<b>Muslim</b>
<b>No religion</b>
<b>Sikh</b>
<b>Prefer not to state</b>
<b>Unknown</b>

### Completion statement

**Potential equality impact** Both positive and negative impact has been identified for one or more protected groups

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