

Coventry City Council
Minutes of the Meeting of Cabinet Member (Policing and Equalities) held at 2.00 pm on Thursday, 2 October 2014

Present:

Members: Councillor P Townshend (Chair)
Councillor A Andrews (Shadow Cabinet Member)
Councillor C Fletcher (Deputy Cabinet Member)

Other Members: Councillor N Akhtar (For item 36 below)

Employees (by Directorate):

S Brake, People Directorate
S Chantler, People Directorate
C Edwards, People Directorate
M Fothergill, Place Directorate
C Goodwin, Resources Directorate
C Hickin, People Directorate
S Hutt, People Directorate
B Massey, People Directorate
U Patel, Resources Directorate
H Simmonds, People Directorate
M Watson, People Directorate

In attendance: D Ali (for item 32)
J Ali (for item 32)
L Buchanan (Observer)
D Keegan (for item 35)

Public Business

29. Declarations of Interest

There were no declarations of interest.

30. Minutes

The minutes of the meeting held on 4th September, 2014 were signed as a true record. There were no matters arising.

31. Exclusion of Press and Public

RESOLVED to exclude the press and public under Section 100(A)(4) of the Local Government Act 1972 in relation to the private report referred to in Minute 42 headed "Report in response to a petition concerning a property in Earlsdon Ward" on the grounds that the report involved the likely disclosure of information as defined in Paragraphs 1, 3 and 5 of Schedule 12A of the Act, as it contained information relating to an individual and the financial or business affairs of any particular person and information in respect of which a claim to legal profession privilege could be maintained in legal proceedings. The public interest in

maintaining the exemption outweighs the public interest in disclosing the information.

32. **Report in response to a petition concerning a property in Earlsdon Ward**

The Cabinet Member considered a report of the Executive Director, People which responded to a petition concerning a property in Earlsdon Ward. The report provided a response to a petition received on 3rd July 2014 signed by 71 individuals who live in the Earlsdon Ward. The petition requested the City Council to take action in relation to local residents' concerns regarding the poor condition of a property in Earlsdon Ward and the impact it was having on the surrounding neighbourhood. The report detailed the measures that officers were taking to address the residents' concerns.

The specific issues highlighted in the petition were:

- The long term accumulation of excessive amounts of building materials at the property
- The placement of CCTV cameras overlooking adjacent properties
- The erection of an unsightly 2m wire fence to the front and rear of the property.

In recent years the Council had taken a variety of enforcement actions and whilst these have achieved a degree of success, the condition of the property has once again deteriorated. A more concerted approach to the owner and the property was now underway.

The conditions at this particular property were well known to the City Council and whilst enforcement action had been taken, lasting improvements had not been achieved. The report detailed measures being undertaken with the aim of finding a permanent solution.

Councillor Andrews, an Earlsdon Ward Councillor and the petition organisers attended the meeting and spoke in support of the petition. The petition organisers described the problems that they had endured over a considerable length of time and also circulated photographs as evidence.

The Cabinet Member noted that a Section 215 Notice was served by Planning Officers on 3rd September 2014, and subject to no appeal against the Notice being lodged at the Magistrates' Court beforehand, it would take effect on 5th November 2014. The Notice requires compliance within four months from the date the Notice takes effect.

RESOLVED that Cabinet Member:

- 1. Notes the Section 215 Notice served under The Town and Country Planning Act and instructs officers to oppose the appeal if one is lodged.**
- 2. Endorses the action already taken and planned to address the conditions at this property.**

3. **Requests a legal opinion from the Assistant Director Legal Services on what other courses of action are available to the Council to take action (for example injunction/legal proceedings etc.) to address the issues.**
4. **Requests officers to ensure that all relevant assessments are carried out prior to any enforcement action being taken.**
5. **Directs that a further report as to the on-going situation and progress be submitted to the Cabinet Member meeting scheduled for 18th December, 2014.**

33. **E- Petition to save Coventry's Badgers from Culling**

The Cabinet Member considered a report of the Executive Director, People which responded to an e-petition that was generated on the Council web site in July 2014. The petition bearing 61 signatures was raised by residents who called on the City Council to prohibit the culling of badgers on council-owned land and invest in a 'vaccination program' locally. The petitioners believed culling to be inhumane, inefficient and unscientific in the control of bovine tuberculosis (bTB) in cattle. They claimed that this was a national issue which will be of direct concern to the people of Coventry when DEFRA "rolls out" its culling policy in 2014.

The report indicated that licences were originally issued in autumn 2012 by the Government for badger control in two pilot areas. These pilot areas were in West Gloucestershire and West Somerset and the licence permitted controls to take place on four occasions over a four year period. Badger control activity took place in the two pilot areas in 2013. Natural England have recently issued letters authorising the resumption of badger control measures in the two pilot areas in 2014 and a start date for culling activity will be decided by the cull companies.

There currently were no plans to carry out badger culling outside these pilot areas.

RESOLVED that the Cabinet Member acknowledge the e-petition and confirms the Council's support for the wider aim of the Government's strategy in achieving TB free status by 2038.

34. **Progress report in response to a petition asking the Council to improve the environment and security of the Hearsall Area of Coventry**

The Cabinet Member considered a report of the Executive Director People which responded to a petition asking the Council to improve the environment and security of the Hearsall area of Coventry.

A petition bearing 184 signatories was originally submitted on 25th March 2014 by Councillor B Singh and Councillor Howells, Whoberley Ward Councillors. The petition requested the Council to implement measures to address environmental issues which are likely to improve the security of the Hearsall area, in Whoberley Ward.

The petitioners outlined issues including fly-tipping obstruction caused by wheelie bins. Additionally they requested that estate/letting agency signs should be removed and that all alleyways and entryways should be gated and any existing gates to be repaired to a good working order.

The report provided further details of additional measures taken by Council Officers to address these issues as recommended by Cabinet Member on 3rd July 2014.

RESOLVED that the Cabinet Member:

- 1. Acknowledges and endorses the additional work of officers since the last Cabinet Member meeting as detailed in Section 2 of the report.**
- 2. Requests officers to:**
 - (a) Continue the Care for Our Area/Hot Street project until the relevant alleyways have been cleared and the project reaches its conclusion.**
 - (b) Continue to offer advice and guidance to residents on the implementation of self-help 'gating schemes' where appropriate.**
 - (c) Continue to investigate and respond to reports from residents concerning the unauthorised use of for sale and letting boards.**
 - (d) Report back to Cabinet Member on progress made to the meeting scheduled for 18th December 2014.**
 - (e) Directs the Community Development Service to continue to engage with residents.**

35. Progress report on action taken to improve security to open land at rear of 2-66 Brookside Avenue

The Cabinet Member considered a report of the Executive Director, Place which provided an update on action taken to improve security to open land at rear of 2-66 Brookside Avenue.

A petition bearing 11 signatures, from 6 households was submitted on 25th March 2014 by Councillor Singh. A report in response to the petition was presented to Cabinet Member on 3rd July 2014. The report detailed initial action taken by officers in response to residents' concerns about environmental and nuisance behaviour on an open space at the rear of properties 2-66 Brookside Avenue in Whoberley Ward.

The report provided an update on progress against further recommendations made by Cabinet Member.

The land is an open stretch of green space measuring approximately 900 metres in length which is owned by the City Council and managed by the Parks Service in the Place Directorate.

The petition organiser attended the meeting and spoke in support of the petition. He described the problems faced by residents and stated that the measures being suggested only provided short term solutions to long term problems. He also circulated photographs at the meeting.

Officers reported that the overhanging branches will be trimmed to raise the canopy of trees to enable a clear view and to remove any places for youngsters to shelter.

With regard to the fencing, it was reported that this was being considered separately and that funding was being sought from the Community Fund. The finer detail such as location etc. would be determined when the funding has been secured.

The Cabinet Member requested the following:

- Officers to explore the feasibility of installing CCTV equipment to act as a deterrent
- Signs to be erected as reminder that littering will incur a fine and that CCTV cameras are operational in the area.
- An officer from the local policing team be invited to attend the meeting when this matter is due for consideration.
- Test purchases of illegal sales of alcohol and cigarettes to be undertaken within the immediate area (1.5–2 mile vicinity) and provide a report back.
- The Head of Community Safety to send a letter to all licensed premises reminding them of sales of alcohol and cigarettes to underage youngsters.

RESOLVED that the Cabinet Member:

- 1. Endorses the additional action taken by officers.**
- 2. Directs officers to request the Police, by letter to be drafted by the Head of Community Safety to be sent to the Chief Inspector, to continue to patrol the area, responding to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour.**
- 3. Requests Community Development Officers to continue to work with the community in tackling local issues including litter and environmental issues and to assist residents in seeking funding that they could use on private land to improve the security of their properties.**
- 4. Requests officers to continue to monitor incidents of crime and nuisance together with the effectiveness of their action and to respond appropriately to any such issues.**

5. Directs officers to submit a further progress report to the Cabinet Member meeting scheduled for 18th December 2014.

36. Update on Action to address incidents of fly-tipping and anti-social behaviour taking place on Whitefriar's land on corner of Keppel Street-Wright Street, Hillfields, Coventry

The Cabinet Member considered a report of the Executive Director, People which provided an update on action taken to address incidents of fly-tipping and anti-social behaviour taking place on the corner of Keppel Street and Wright Street, Hillfields, Coventry.

The petition signed by 22 signatories called on the Council to request Whitefriars Housing Association to take action to address fly-tipping and nuisance behaviour taking place on their land at the corner of Wright Street and Keppel Street in the Hillfields area of Coventry. A report on response to the petition was presented to the Cabinet Member on 3rd July 2014.

The report provided an update on further action taken by officers in respect of the recommendations made at that meeting.

Councillor Akhtar, a St Michaels Ward Councillor attended the meeting and spoke in support of the petition. He reported that the petitioners were happy with the progress made so far and enquired as to when the CCTV camera was going to be installed.

RESOLVED that the Cabinet Member:

- 1. Notes the action taken to address the issues.**
- 2. Directs officers to request the Police, by letter to be drafted by the Head of Community Safety to be sent to the Chief Superintendent, to continue to patrol the area responding swiftly to any issues raised or identified and to exercise their powers to obtain identities and disperse groups of individuals that are likely to cause nuisance or offending behaviour. The letter to be copied to Councillors Akhtar, O'Boyle and Welsh, St Michaels Ward Councillors for information.**
- 3. Requests that officers continue to monitor the issues associated with this land as part of the Hillfields Action Plan and the effectiveness of interventions applied.**
- 4. Directs that a briefing note be sent to Councillors Akhtar, O'Boyle and Welsh, St Michaels Ward Councillors and copied to Councillors Townshend, Fletcher and Andrews before 31st October 2014, confirming that the CCTV has been installed.**

37. Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses

The Cabinet Member considered a report of the Executive Director, People which outlined proposals for Primary Authority Partnerships - a revised model for delivering regulatory advice to businesses.

Regulatory Services consists of various teams delivering Environmental Health, Environmental Protection, Trading Standards and Licensing functions. Currently the service provides free advice to all types of businesses, large and small. Some requests made by companies can be quite complex and involve significant officer time, which places a drain on the service.

As a way of formalising the working arrangements between local authorities and companies seeking detailed advice, the Regulatory Enforcement and Sanctions Act 2008 introduced the concept of 'Primary Authority Partnerships'. A Primary Authority Partnership (PAP) is effectively a written agreement setting out the terms of which a company that operates across two or more local authorities can seek detailed advice. The advantage to companies is that any advice is regarded as 'assured advice' (meaning it has to be taken into account by any other regulator). The advantage to the local authority is that it can better manage its resources and it can charge for its services in delivering a PAP scheme.

Approval was being sought to introduce Primary Authority Partnerships to Coventry and offer them to companies who wish to seek specialist help from Regulatory Services, over and above that which would be provided for free.

RESOLVED that the Cabinet Member:

- 1. Approves the introduction of the Primary Authority Partnership Scheme with businesses which meet the statutory criteria and who wish to work with regulatory officers.**
- 2. Approves the proposed charging summary for Primary Authority Partnerships detailed in appendix 1.**
- 3. Requests a further report be presented by officers in 12 months' time detailing the initial outcomes of implementing the Primary Authority Partnership scheme, to the Cabinet Member with portfolio responsibilities for this area of work.**

38. Annual Compliance Report - Regulation of Investigatory Powers Act (RIPA)

The Cabinet Member considered a report of the Executive Director, Resources which presented the Annual Compliance Report on the Regulation of Investigatory Powers Act (RIPA).

The Regulation of Investigatory Powers Act 2000 (RIPA) Part 1 covers the acquisition and inception of communications data and Part 2 covers covert surveillance and property interference. Each part of the Act is regulated by separate commissioners.

The Council's use of RIPA is to support its core functions for the purpose of prevention and detection of crimes where an offence may be punishable by a custodial sentence of 6 months or more, or are related to the underage sale of alcohol and tobacco.

The Act sets out a compliance structure within which Coventry City Council can request judicial approval to use directed surveillance techniques or acquire communications data in order to support core function activities (e.g. investigations undertaken by Trading Standards, Environment Health, Benefits e.g. premises/individuals suspected of selling illegal cigarettes; s cigarettes and/or alcohol to under 18s; rogue traders; benefit fraud investigations). The information obtained as a result of such operations can later be relied upon in court proceedings providing RIPA is complied with.

The Home Office Code for Covert Surveillance Property Interference recommends that elected members, whilst not involved in the making of 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 for same. The Council adopted this approach for oversight of the authority's use of Part I of the Act.

The report indicated that there had been no material change in the legislation since the 2012/2013 report.

RESOLVED that the Cabinet Member:

- 1. Notes the Council's use and compliance with RIPA; and;**
- 2. Considered any comments and recommendations provided by the Audit and Procurement Committee.**

39. Change to the Constitution: Appointments to Appeals Committee

The Cabinet Member considered a report of the Executive Director, Resources which outlined proposals to change the Constitution to allow Cabinet Members to sit on Appeals Committees.

The Appeals Committee has responsibility for the determination of appeals against any decision made by or on behalf of the Council where there is a statutory right of appeal. Some appeals, such as school admission appeals, are excluded from its terms of reference. In practice most, if not all, appeals heard by employees although occasionally there is an appeal in connection with social services home care charges. Membership of the Committee is drawn on an ad hoc basis from a pool of members who have received relevant training.

At present, the Appeals Committee Procedure Rules at part 3J of the Constitution do not allow Cabinet Members to sit on the Committee. The report recommended that the Constitution should be amended to permit Cabinet Members to sit on the Committee provided that they have received appropriate training. The ability to do this would be restricted to appeals by employees only and there is no proposal to extend membership to non-employee appeal hearings such as care charge appeals. It is also proposed to extend membership to non-employee appeal

hearings such as care charge appeals. It is also proposed that the operation of the new arrangements should be reviewed in the next municipal year to ensure that they are delivering the anticipated improvements.

RESOLVED that Cabinet Member:

- 1. Recommends to Council that paragraph 1 of Part 3J of the Constitution be amended to remove the prohibition of Cabinet Members sitting on the Appeals Committee in connection with appeals by employees only, subject to their receiving appropriate training beforehand.**
- 2. Requests that the operation of the new arrangements be reviewed in the next Municipal Year to ensure that they are delivering the anticipated improvements with a further short report to the Cabinet Member meeting on 23rd April 2015.**
- 3. Recommends Council to approve the amendment of paragraph 1 of Part 3J of the Constitution to remove the prohibition on Cabinet Members sitting on the Appeals Committee in connection with appeals by employees only, subject to their receiving appropriate training beforehand.**

40. Outstanding Issues Report

The Cabinet Member (Policing and Equalities) is requested to consider the list of outstanding issues and to ask the member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

RESOLVED that the Cabinet Member approves that item 6 headed “Effectiveness & Quality of recent consultation exercises carried out by Coventry City Council”, be deleted from the table of outstanding issues as this has been taken over by a wider review of Ward Forums which makes suggestions about future consultations more widely.

41. Any Other Business

RESOLVED that the Cabinet Member gives approval for the Lord Mayor and an Assistant Director from the Place Directorate to undertake a civic visit to Volgograd, Russia from 30th October to 2nd November 2014.

(Note: The above matter was considered as an item of urgent business, the reason for urgency being the need to seek approval for attendance at the visit prior to the next scheduled meeting of the Cabinet Member).

PRIVATE BUSINESS

42. Report in response to a petition concerning a property in Earsldon

Further to Minute 32 above, the Cabinet Member considered a report of the Executive Director, People which provided confidential information in relation to a property in Earlsdon.

RESOLVED that Cabinet Member:

- 1. Notes the Section 215 Notice served under The Town and Country Planning Act and instructs officers to oppose the appeal if one is made.**
- 2. Endorses the action already taken and planned to address the conditions at this property.**
- 3. Requests a legal opinion from the Assistant Director Legal Services on what other courses of action are available to the Council to take action (for example injunction/legal proceedings etc.) to address the issues.**
- 4. Requests officers to ensure that all relevant assessments are carried out prior to any enforcement action being taken.**
- 5. Directs that a further report as to the on-going situation and progress be submitted to the Cabinet Member meeting scheduled for 18th December, 2014.**

43. Any Other Business

There were no other items of private business.

(Meeting closed at 3.25 pm)