

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities
held at 3.00 pm on Thursday, 26 October 2017

Present:

Members: Councillor A Khan

Employees (by Directorate):

People B Barrett, , G Haynes, H Shankster

Place G Carter, L Knight, L Stockin

Apologies: Councillor P Akhtar and A Andrews

Public Business

6. Declarations of Interest

There were no disclosable pecuniary interests.

7. Minutes

The minutes of the meeting held on 27th July 2017 were agreed and signed as a true record.

8. Progress Report Towards Equalities Objectives - Year End 16/17

The Cabinet Member considered a report of the Deputy Chief Executive (People), which set out progress made with the equality objectives from April 2016 to March 2017.

On 14th July 2016, the Cabinet Member had approved the equality objectives for the Council, which were set out in the Appendix to the report. The equality objectives were linked to the Council Plan and were set for four years, or until the next refresh of the Council Plan.

There were 15 equality objectives, with progress towards them measured through a variety of means including performance indicators, comparators with other areas, contextual information and actions taken. Where possible, indicators were broken down by protected groups to ensure that all protected characteristics under the Equality Act had been considered, monitored and reported on.

In summary, there had been good progress in some areas, with lots of work being undertaken in relation to employment and training, in particular around the promotion of 'living wage and above' jobs. In addition, support was continuing to be offered to migrants with regard to accessing employment, work experience and higher education. There had also been a reduction in the number of teenage pregnancies and the number of alcohol related admissions to under 18s. However, there was also cause for concern, with the report indicating that there had been increases in first time entrants to the youth justice system and increasing numbers of children witnessing incidents of domestic violence. There had also

been an increase in the number of households accepted as statutorily homeless and a reduction in the number of homelessness cases prevented and relieved during the last year. However, it was noted that this was in the context of growing numbers of households experiencing poverty due to the impact of benefits cuts and the broader austerity measures.

Appendix 2 of the report set out the Draft Equality, Diversity and Inclusion Commitment, which set out the Council's commitments to its continuing duty as a public authority and having due regard to the need to eliminate discrimination, harassment, and any other conduct prohibited under the Equality Act 2010; recognising and celebrating diversity and ensuring equality or opportunity both as a provider and commissioner of services and a large employer; and developing a culture that embeds the effective management of equality, diversity and inclusion in its day to day practices, policies, procedures and through its external relationships.

RESOLVED that the Cabinet Member for Policing and Equalities notes the progress made on the equality objectives at year end and approves the adoption of the Equality, Diversity and Inclusion Commitment.

9. Draft Member/Officer Protocol

The Cabinet Member considered a report of the Deputy Chief Executive (Place), which set out the draft Member / Officer Protocol.

In 2016, the Acting Monitoring Officer conducted a review of governance arrangements at the City Council in the light of two critical public interest reports which were issued in respect of other councils. As a result of that review, officers identified that it would be of benefit for the Council to approve and adopt a Member / Officer Protocol. The purpose of the Protocol was to set out for both members and officers what was expected of them in their respective roles and what they could expect from each other.

The Cabinet Member noted that a draft Protocol was approved by the Ethics Committee on 14th September 2017. As the protocol would be included in the Council's Constitution, it was also considered by the Constitutional Advisory Panel on 9th October 2017. The Panel agreed to recommend the approval of the Protocol to the Cabinet Member, subject to an amendment to paragraph 8.2.2 of the Protocol. This amendment was highlighted in the Draft Protocol appended to the report.

RESOLVED that the Cabinet Member for Policing and Equalities:-

- 1. Approve the Draft Protocol as drafted, subject to the amendment of paragraph 8.2.2.**
- 2. Recommends that the Council agree to its being included in the Constitution.**

10. **Proposed Amendment to the Constitution: Revocation of Hackney Carriage and Private Hire Driver's Licences**

The Cabinet Member considered a report of the Director of Finance and Corporate Services, which set out proposals for changes to the Hackney Carriage and Private Hire Licensing Scheme of Delegation, which forms part of Part 2M of Constitution to permit officers to revoke drivers' licences where public safety required it.

Under the current Scheme of Delegation, the Deputy Chief Executive (Place) and the Senior Licensing and Enforcement Officer have delegated powers to suspend a hackney carriage or private hire driver's licence where it was necessary that immediate steps be taken in the interests of public safety. Any such decisions were taken in consultation with the Chair of the Licensing and Regulatory Committee (or in his/her absence the Deputy Chair or in the absence of either, the City Solicitor). This provision had been used by officers to suspend a driver following allegations of impropriety or criminal behaviour and pending the Committee's decision on whether to revoke the licence.

However, case law had confirmed that the power to suspend a licence under Section 61 of the Local Government (Miscellaneous) Provisions 1976 was a final decision on the question of a person's fitness and propriety. It could not be used as an interim measure pending further investigations into a driver's conduct.

This meant that if officers believe that an allegation is so serious that the driver should not be allowed to drive pending an investigation, they could not suspend the licence. The only options were:-

- (a) To allow the driver to continue to drive pending the matter coming to Committee, which could be some time; or
- (b) Delegate power to officers to revoke a licence where public safety requires it. The driver would still have a right of appeal.

It was therefore proposed that the Hackney Carriage and Private Hire Licensing Scheme of Delegation be changed to permit officers to revoke drivers licenses where public safety required it.

The Cabinet Member noted that the proposed change had been considered by the Constitutional Advisory Panel at its meeting on 9th October 2017. The Panel recommended that the Cabinet Member approve the changes.

It was further noted that powers were delegated to officers under the licensing scheme of delegation by the Licensing and Regulatory Committee and that a report would be going to the next meeting of the Committee to ask it to agree the change. It was therefore recommended that the Cabinet Member approve the change, subject to the agreement of the Licensing and Regulatory Committee.

RESOLVED that the Cabinet Member for Policing and Equalities:-

1. **Approve the proposed change to the Hackney Carriage and Private Hire Licensing Scheme Delegation, subject to the agreement of the Licensing and Regulatory Committee.**

2. **Recommend to the Licensing and Regulatory Committee that it approves the change in the Hackney Carriage and Private Hire Licensing Scheme of Delegation.**
3. **Recommend to Council that they agree to its being included in the Constitution.**

11. **Outstanding Issues**

The Cabinet Member considered a report of the Deputy Chief Executive (Place) that contained a list of outstanding issue items that would be submitted to future meetings and summarised the current position in respect of each item.

RESOLVED that the Cabinet Member for Policing and Equalities approves the dates for future consideration of matters relating to the outstanding issue items listed in the report.

12. **Any Other Business**

There were no other items of business.

(Meeting closed at 3.25 pm)