

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held at 1.00 pm on Thursday, 3 December 2020

Present:

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

Other Members: Councillor G Ridley (for Minute 13 below)

Employees Present:

D Blackburn, Streetscene and Regulatory Services
G Carter, Law and Governance
G Hood, Streetscene and Greenspaces
T Miller, Planning and Regulation
U Patel, Law and Governance
C Sinclair, Law and Governance

Public Business

11. Declarations of Interest

Councillor P Akhtar declared an “Other Interest” in the matter the subject of Minute 13 below headed “Determination of Major Development Planning Applications by Planning Committee” and did not participate during the consideration of this item. He stated that as a member of the Planning Committee, he did not want to be associated with having considered this matter.

With regard to the same item, Councillor A Andrews, also a member of the Planning Committee, placed on record that as he was invited to the meeting, in his role as Shadow Cabinet Member and would not be involved in the ultimate decision making, he would remain in the meeting and participate during the consideration of this item.

12. Minutes

The minutes of the meeting held on 5 October 2020 were agreed as a true record. There were no matters arising.

13. Determination of Major Development Planning Applications by Planning Committee

The Cabinet Member considered a report of the Director of StreetScene and Regulatory Services which provided a formal response to a petition submitted on 11 October 2019. The petition bearing 10 signatures was sponsored by Councillor G Williams and stated the following:

“We the undersigned ask Coventry City Council to take action by accepting that and ‘Major’ Development Planning Application presented to Planning Committee must be resolved in an open and Public session and not in Private session (behind closed doors) by delegated powers given to either the full planning committee or to the Planning Committee Chair and Deputy Chair) as opposed at the Avenue Indoor Bowls Club application, deferred on 26/9/19) and Council Planning Policy is changed immediately to that effect”.

Councillor Williams and the petition organiser were present at the meeting and spoke in respect of the petition.

The Council’s current constitution contains a range of actions, roles and responsibilities that the Council undertake and sets out how they undertake them. Part 2M of the constitution outlines the functions delegated to council officers. Section 6.6(4) of Part 2M relates specifically to Planning and was therefore deemed the most relevant section to this petition.

The constitution is clear that all delegations listed under Section 6.6(4)(1), which includes all applications for planning permission, are subject to limitations. These were outlined within the report.

All applications which are presented to the Planning Committee are considered and determined in a public meeting in accordance with the constitution, irrespective of whether they were minor or major applications.

The Planning Committee could delegate its decision making responsibility to the Chair, Deputy Chair or to officers. A decision to delegate would need to be based on a clear and transparent recommendation, which was seconded and voted upon by the Committee and would need to be informed by a clear and reasoned explanation.

The petition referenced the September 2019 Planning Committee, specifically with regard to the Avenue Bowls Club, which related to a suggestion for Planning Committee to delegate the granting of planning permission to officers to resolve a specific issue relating to a Sequential Assessment. Members did not accept this course of action. Had such a proposal been accepted, it would have been based on receiving further information that satisfied the concerns of committee and would have been overseen by the Chair and Deputy Chair at the approval of the wider committee.

As the constitution sets out the clear decision making process, it was not considered necessary for the Council Planning Policy to be changed.

RESOLVED that the Cabinet Member having considered the report, the petition and the comments raised at the meeting confirms that no further amendments are required to the Constitution in response to the petition.

14. Introduction of Parking Charges at War Memorial Park - Consideration of Objections Following a Period of Consultation

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which reported on the objections received following a period of consultation on the introduction of parking charges at War Memorial Park.

The off-street car parks at the War Memorial Park namely those at Leamington Road, Coat of Arms Bridge Road and Kenilworth Road, were often used by people who are not necessarily visiting the park for the purposes of recreational activities which is the basis upon which the park is held. This therefore would often present an issue for park users in relation to the availability of car parking spaces. In the best interest of the War Memorial Park and its users, it was proposed that parking charges be introduced.

The principle of introducing charges at the aforementioned car parks was approved by Cabinet on 25 February 2020, where the City Council's Cabinet met as the trustees of the War Memorial Park, on behalf of the City Council. Delegated authority was granted to the Director of Streetscene and Regulatory Services following consultation with the Cabinet Member for Policing and Equalities to finalise the charging structure including undertaking the appropriate due diligence and completion of any necessary legal process.

A Notice of Proposals setting out the Council's intention was advertised from 8th October – 29th October 2020. A total of 18 objections were received (1 withdrawn), 1 letter of support and 2 comment/questions. The report detailed the objections received for consideration by the Cabinet Member for Policing and Equalities.

Car parking charges would apply to all three car parks associated with the War Memorial Park. Pay and Display machines would be installed at Coat of Arms Bridge Road and Leamington Road car parks. A barriered pay on foot station would be installed at the Kenilworth Road car park. It was proposed that the payment terminals required at the car parks would be cashless payment. Location plans were included in Appendix A of the report.

The parking charges proposed included a 3 hour period of free parking for all users of the car parks, followed by hourly incremental charges up to a maximum of £5. The proposed charges would include a discounted tariff of £1 for users of the Park and Ride facility who stay over the 3hr free period. The full proposed tariff was included in Appendix B of the report.

The Council holds the legal title to the War Memorial Park by virtue of a Conveyance dated 27 January 1921. The land was transferred to the Council to be held and maintained by the Corporation and its successors as a public park for the people or for use for agricultural shows or similar purposes with a right to charge for admission. The wording of this conveyance clearly settled the land (including the War Memorial Park) on charitable trust and as such the City Council was now the sole corporate trustee of the Trust.

Any income received from any agreement can only be used toward furthering the purpose upon which the charity was provided and cannot be used for the local authority's general purposes. Any income received from the asset must be kept separate from that of the Council and accounted for separately.

Any net consideration (once the costs of implementation and administration have been deducted) received for War Memorial Park car parking would enable the park to move towards being maintained on a financially self-sufficient basis and as such would contribute to long term enhancement of the park.

In order for the Council to impose charges and carry out necessary enforcement action the car parks need to be added to the Off-street Parking Places Order by variation order namely, "City of Coventry (Off-Street Parking Places) Order 2005 (War Memorial Park Car Parks) (Variation) Order 2020.

As part of the above procedures, the Notice of Proposals was advertised in the Coventry Telegraph on 8 October 2020 detailing the proposed variation order and that any formal objections to the making of the order should be made in writing by 29 October 2020. Notices were also placed in all the associated car parks and public notice boards throughout the park. A copy of the Notice, the Statement of Reasons, draft order and identifying plans were made available for inspection on the Council's website.

Subject to approval, the proposal was to proceed with the introduction of charging in early 2021.

In relation to questions raised by Members, the Head of Streetscene and Greenspaces gave assurances that a methodology would be established and introduced to capture relevant information and data for monitoring and benchmarking purposes. This would include an impact analysis of any displacement parking issues caused in the area as a result of the introduction of the car parking charges.

Members further sought clarification on what charges, if any, would apply to blue badge holders. It was reported that there would be no charges for blue badge holders.

RESOLVED that the Cabinet Member having considered the report, the objections received and the comments raised at the meeting, approves the implementation of the charging structure at the War Memorial Park as detailed in Appendix 2 of the report, noting that this will be undertaken by making of the said Variation Order.

Post Meeting Note: Following the meeting, and in relation to parking charges for blue badge holders, Members received clarification that under the proposed charging structure, disabled badge holders would not be charged for the first 3 hours of parking and after that time, charging rates would apply as set out in the report.

15. Annual Compliance Report - Regulatory & Investigatory Powers Act (RIPA) 2019

The Cabinet Member considered a report of the Director of Streetscene and Regulatory Services which presented the annual compliance report with regard to the Regulatory & Investigatory Powers Act (RIPA) 2019. The report was considered by the Audit and Procurement Committee on 19 October 2020.

The Council uses 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 are related to the underage sale of alcohol and tobacco.

The Act sets out the procedures that the Council must follow if it wishes 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 is complied with.

The Home Office Code for Covert Surveillance and Property Interference recommends 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 oversight of the authority's use of Parts I and II of the Act.

RESOLVED that the Cabinet Member having noted that there were no comments or recommendations to consider from the Audit and Procurement Committee, approves the report as a formal record of the Council's use and compliance with RIPA.

16. **Outstanding Issues**

There were no outstanding issues.

17. **Any Other Business**

There were no other items of public business.

(Meeting closed at 2.00 pm)