

Cabinet

15th June 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:

Deputy Chief Executive

Ward(s) affected:

All

Title:

Domestic Abuse Act 2021

Is this a key decision?

Yes - the proposals are likely to have a significant impact on residents or businesses in two or more electoral wards in the City.

Executive Summary:

Domestic abuse is a manifestation of one-person (or persons) exerting power and control over another with whom they share a personal connection. Domestic abuse can take many forms including, but not limited to, psychological, physical, sexual, financial and emotional abuse. It also includes honour-based violence, forced marriage, other culturally recognised forms of abuse and a range of controlling and coercive behaviours. The Domestic Abuse Act 2021 also highlights economic abuse.

Preventing harm from Domestic Abuse is a priority within Coventry and is a key measure within the One Coventry Corporate Plan. Coventry's Domestic Abuse Strategy 2018 – 2023 outlines the city's approach to addressing domestic abuse, including honour-based violence and forced marriage.

The Domestic Abuse Act 2021 received Royal Assent on 29 April 2021. The Act provides, for the first time, a statutory definition of domestic abuse and delivers a number of significant changes to improve the protection of victims within the community and the criminal justice system.

The Act has a number of implications for the local authority, including the requirement of a new statutory board, implementation of a statutory definition of domestic abuse, a duty to produce regular needs assessments and strategies, delivery of specific minimum types of support for victims within safe accommodation, the prioritisation of domestic abuse victims within homelessness applications and a requirement to annually report to the Secretary of State.

Recommendations:

Cabinet is recommended to:

- 1) Approve the proposal to create The Domestic Abuse Local Partnership Board as a statutory board of the local authority.
- 2) Approve acceptance of the grant of £849,930 in 2021/2022 from the Ministry of Housing, Communities and Local Government to fulfil the functions of the new statutory duty on Tier 1 Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation.
- 3) Note the Council's new duties under the Domestic Abuse Act 2021.

List of Appendices included:

None

Background papers:

None

Other useful documents

Coventry Domestic Abuse Strategy 2018 - 2023

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

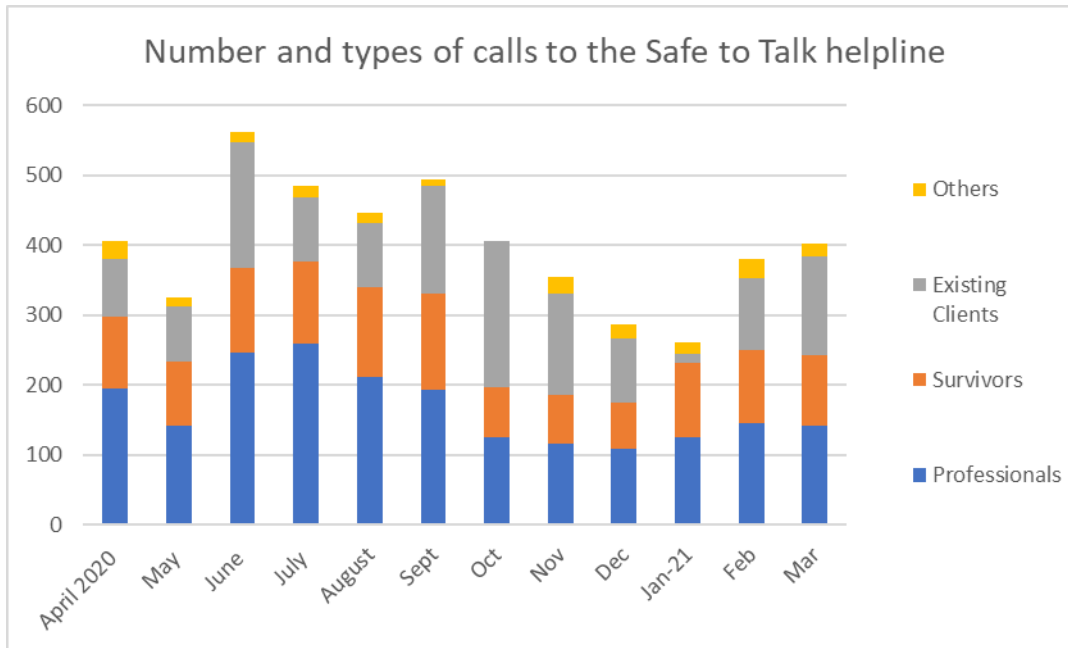
Report title: Domestic Abuse Act 2021

1. Context (or background)

- 1.1 Domestic abuse is a manifestation of one-person (or persons) exerting power and control over another with whom they share a personal connection.
- 1.2 Preventing harm from domestic abuse is a priority within Coventry and is a key measure within the One Coventry Corporate Plan. The Coventry Domestic Abuse Strategy 2018-2023 outlines Coventry's approach to addressing domestic abuse which includes honour-based violence and forced marriage. The harm associated with Female Genital Mutilation (FGM) is also recognised in the Coventry Domestic Abuse Strategy with a workstream specifically dedicated to this.
- 1.3 In 2019/20, there were 29.7 domestic abuse related incidents and crimes in the West Midlands Police area per 1,000 population (source: Office for National Statistics). This has risen by 26% since 2015/16 and is above the national average of 28 incidents and crimes per 1,000 population. The under-reporting of domestic abuse is well documented and the actual level of victimisation in the city will be higher.
- 1.4 The COVID pandemic has had a significant impact on domestic abuse victimisation. Control measures put in place to limit infection have also reduced the time and space for victims to seek help, has been used as a tool for further abusive behaviours and placed a number of additional pressures on families and individuals. Other measures – such as legislation to protect people from being evicted from their homes under the Coronavirus Act 2020 and changes to court proceedings which has lengthened the wait for civil and criminal hearings – have meant that different parts of the local system have experienced differing trends of victimisation and demand.

Overall, levels of reported domestic abuse increased significantly during the first lockdown in May and June 2020 and have remained broadly stable at this higher level. Police, commissioned services and Children's Services all reflect higher levels of demand and an increase in the level of case complexity and risk.

- 1.5 During 2018 and 2019 the average number of monthly reports involving domestic abuse to the Multi Agency Safeguarding Hub (MASH) was 328. Between April 2020 and March 2021 this rose to a monthly average of 415 reports per month, peaking in December 2020. The numbers of adult safeguarding concerns related to domestic abuse also increased in 2020 but from a much lower base.
- 1.6 Police report that while acquisitive and other crimes are falling, domestic abuse continues to show heightened incidents – data up to the beginning of December 2020 has shown that reporting has increased by 45% compared to the previous year.
- 1.7 Calls to the local Safe to Talk helpline have fluctuated significantly throughout the year, reflecting the changes in freedom and ability for victims to seek help and concerns from professionals and other third parties like neighbours during the various periods of heighten restrictions over the course of the pandemic. On average, calls to the helpline are about 20% higher than in the period prior to the pandemic. The chart below shows how the number and sources of calls to the Safe to Talk helpline have fluctuated since April 2021.



1.8 Similarly, demand on specialist domestic abuse services has also fluctuated significantly during the course of the pandemic, reflecting victims' ability to access support. Referrals to Coventry Haven's community outreach support (providing safety planning and other community-based support for people not involved in civil or criminal court proceedings) peaked in August 2020 with 134 referrals in one month, but fell to an average of 56 referrals during December 2020 to March 2021, during the most recent lockdown periods and increased significantly following the relaxation of social restrictions; it should also be noted that annual trends also show a reduction in victims accessing support in the week running up to the Christmas and New Year period.

1.9 During the pandemic, the City Council has invested additional resources in schemes to protect victims, including:

- creating 7 additional temporary units of specialist accommodation for 12 months from July 2020
- safeguarding 17 units of accommodation within the voluntary and community sector
- temporarily continuing 13 further units of accommodation previously funded using short term government grant otherwise due to close in March 2021
- employing 3 additional domestic abuse specialists to be co-located with the police and provide an immediate response to victims for a 2-year pilot
- employing a 0.5FTE worker to create and support a new network of domestic abuse leads within frontline services.

1.10 The creation of the Domestic Abuse Act was first announced in 2017 and includes a wide range of provisions and responsibilities to protect victims and children. It received Royal Assent on 29 April 2021.

1.11 In summary, key aspects of the Act includes:

- (i) Creation of a statutory definition of domestic abuse. This adopts a broad definition of domestic abuse which includes a range of forms of abusive behaviour between two people, both aged 16 or above, who have a "personal connection". A personal connection includes relationships including former partners and family members, those

who are or have been married/engaged (whether terminated or not), or in civil partnership/entered into a civil partnership agreement (whether terminated or not), intimate relationships, parental relationship in relation to the same child, relatives and carers. Children who “see, hear or experience the effects of” domestic abuse, and are related to the two people, are specifically covered under the new definition.

- (ii) Creation of new orders including Domestic Abuse Protection Notices (DAPN) and Orders (DAPO). These new orders will replace Domestic Violence Protection Notices and Orders and can be applied for by police, victims, family members and friends and other third parties including local authorities. Parliament’s expectations are that DAPOs will be the ‘go-to’ protective order for most forms of domestic abuse.
- (iii) Placing the Domestic Violence Disclosure Scheme – ‘Claire’s Law’ - onto a statutory footing to improve consistency of the scheme across the country and increase the number of applications. The scheme provides victims with information on partners’ previous abusive or violent offending.
- (iv) Provision of added protective measures for victims in court hearings, for example prohibiting cross examination of alleged victims by the alleged perpetrator in many situations, and also not expecting the alleged victim from cross examining the alleged perpetrator from cross examining the other party in many civil and family court hearings. There will be funding provided by the Secretary of State to allow for the provision of an advocate to enable cross examination of the alleged victim on behalf of the alleged perpetrator in such cases.
- (v) Creation of new offences. Non-fatal strangulation and suffocation and threats to disclose private sexual photographs and films will be become criminal offences.
- (vi) Changes to existing homelessness legislation (Housing Act 1996) to make victims a priority regardless of any vulnerability. Victims will no longer need to prove they are vulnerable as result of their abuse in order to access accommodation secured by the local authority where they are homeless.
- (vii) Creation of lifetime tenancies for victims.
- (viii) Creation of a register for serial and serious perpetrators that would be managed through Multi agency Public Protection Arrangements (MAPPA), and the extended use of polygraph testing for domestic abuse perpetrators.
- (ix) A requirement on local authorities to conduct regular needs assessments and publish a strategy for victims in safe accommodation.
- (x) A requirement on local authorities to provide a range of support for victims in safe accommodation. This includes counselling, therapeutic support for children, support to resolve immigration issues.
- (xi) A requirement for local authorities to appoint and coordinate a Domestic Abuse Local Partnership Board to oversee the needs assessment, strategy and local action. The local authority will be required to provide the Secretary of State with an annual report detailing its response to new duties covered by the Act.
- (xii) Provision of anyone subject to immigration control who is a victim of domestic abuse with a route to apply for limited leave to remain for at least six months to allow for immigration proceedings to be considered.

Impact on the local authority

- 1.12 The Act introduces a number of new duties and a range of implications for local authorities; below is a summary of the implications in relation to (i) safe accommodation strategic planning, (ii) safe accommodation provision and support for victims, and (iii) prioritisation of domestic abuse victims within homelessness applications.
- 1.13 Overall, the clarification of the definition of domestic abuse and added protection for victims intended by the Act are expected to increase reporting and demand on services. The inclusion of statutory prioritisation of domestic abuse victims within homelessness applications and provision of temporary leave to remain of migrants reporting domestic

violence is also expected to increase demand on homelessness, migrant and domestic abuse services.

- 1.14 Awareness among frontline staff of the new provisions of the Act is of high importance in order for practitioners to make appropriate use of new powers. A webinar for local practitioners was recently held in conjunction with Legal Services and further training and awareness measures will be implemented as guidance is issued by The Government.
- 1.15 The Government has provided Coventry City Council with a grant of £849,930 in 2021/22 to “fulfil the functions of the new statutory duty on Tier 1 Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation”. To account for the time to complete the needs assessment and to cushion any impact of lower resources being received beyond 2021/22 (dependent upon the new burden assessment), spend from the grant is planned to be committed for the period up to end of September 2022 where possible. No funding has been provided beyond 2021/22 and the Ministry of Housing, Communities and Local Government (MHCLG) state that any further funding would be confirmed as part of The Governments Comprehensive Spending Review. The Government is currently considering the need for additional new duties funding to support the expected increase in demand on local authorities’ general housing services.
- 1.16 The Act requires local authorities to conduct a needs assessment by August 2021; due to limited timescales and the one-year settlement, it is proposed that the 2021/22 grant is dispersed by investing in additional services on a short term basis, with any further years funding informed by the needs assessment and directed by the resultant strategy. In the absence of gaps identified by the needs’ assessment, it is proposed that the residual grant amount will be used to learn from and upscale the initial additional investment.

Safe Accommodation and Domestic Abuse Local Partnership Board

- 1.17 The Act requires local authorities to provide safe accommodation for victims – dedicated specialist accommodation which meets specific domestic abuse quality standards – and a range of specialist support for victims in safe accommodation. ‘Sanctuary schemes’, whereby victims are helped to remain in their own home by providing extra domestic security and support, are included within the definition of safe accommodation.
- 1.18 Services to support victims of domestic abuse were procured in 2019 and awarded to:
- Coventry Haven (in partnership with Panahghar and Relate): for community-based support to victims and children; and for a perpetrator service. This contract includes ‘sanctuary scheme’ provision.
 - Valley House: for accommodation-based support to victims
- 1.19 There are currently 109 units of specialist domestic abuse accommodation in Coventry (74 commissioned by the City Council and 35 charitably funded) and commissioned capacity for 100 victims to access sanctuary scheme provision. This provides capacity to support approximately 250 - 300 victims per annum. The table below outlines the different Safe Accommodation scheme available within the city:

Type of Safe Accommodation	Capacity	Description
Specialist accommodation	54 units	Mainstream CCC contracted provision
Specialist accommodation	13 units	Funded via MHCGL grant until 31 March 2021, provision extended to 30 September 2021 using COVID relief monies

Specialist accommodation	7 units	Funded to 30 July 2021 using COVID relief monies
'Sanctuary scheme' provision	100 victims	Mainstream CCC contracted provision
Specialist accommodation	35 units	Non-commissioned specialist accommodation provided by 2 different VSC organisations

- 1.20 The Act requires local authorities to conduct a needs assessment for accommodation-based support each year and publish a strategy to direct commissioning and decommissioning decisions for safe accommodation. A needs assessment, currently being compiled, will inform the production of two addendums to the existing Domestic Abuse Strategy. The first addendum will focus on the requirements of the Domestic Abuse Act and the second will provide a strategic approach to the experience of, and lessons learned during, the COVID pandemic.
- 1.21 Local authorities are required to establish a Domestic Abuse Local Partnership Board as a statutory board of the Council. The purpose of this new statutory board is to provide advice to the local authority in relation to domestic abuse - as a minimum to provide advice on its duties to:
- assess the need for domestic abuse support in its area
 - prepare and publish a strategy to provide support
 - monitor and evaluate the effectiveness of the strategy
 - consider the local authority's annual report to the new national Domestic Abuse Commissioner.
- 1.22 Domestic Abuse Local Partnership Boards are expected to include a broad range of representative partners. The Act sets out statutory membership and must include people representing local authorities, victims and their children, domestic abuse charities or voluntary organisations, health care providers and the police or other criminal justice agencies. The Board will be chaired by Councillor P Akhtar, Deputy Cabinet Member for Policing and Equalities.
- 1.23 An interim Board has been established and met on 17 May 2021 to consider membership and consult on current proposals. Particular attention will be given to ensure that victims' and children's voices are represented in Board discussions.

Safe Accommodation Provision and support for victims

- 1.24 Safe accommodation is an important protective measure for victims of domestic abuse, including their children. The accepted minimum standard of specialist domestic abuse accommodation provision requires European countries to have a minimum of one family space of specialist accommodation per 10,000 head of population. There are currently 109 units of accommodation in Coventry, equivalent to one space per 3,400 head of population. The number of units of accommodation commissioned by the City Council is considerably higher than most areas in the region.
- 1.25 While the Act does not specify how much safe accommodation should be provided, it does require the local authority to assess the level of need annually. The Act also requires all victims in safe accommodation to have access to:
- advocacy support – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers);

- domestic abuse prevention advice – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation;
- specialist support for victims with protected characteristics and/or complex needs, for example, interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice;
- children’s support – including play therapy and child advocacy;
- housing-related support – providing housing-related advice and support, for example, securing a permanent home and advice on how to live safely and independently; and
- counselling and therapy for both adults and children.

1.26 The Act amends immigration rules and allows victims to apply to be given leave to remain for at least 6 months, during which time permanent status can be determined. Anyone granted leave to remain by virtue of the provision in the Domestic Abuse Act will have recourse to public funds and access to specialist accommodation and support services.

1.27 Guidance provided by MHCLG advocates the provision of the Whole Housing Approach (WHA), which aims to improve the housing options and outcomes for people experiencing domestic abuse so that they can achieve stable housing, live safely and overcome the abuse and its harmful impacts. The WHA advocates increasing tenancy sustainment options so that people experiencing domestic abuse can remain safely in their home when it is their choice to do so or do not lose their tenancy status if they relocate.

1.28 Gaps in provision created by the new duties will initially be addressed by investing a proportion of the new duties grant outlined in paragraph 1.16 with a financial commitment for 12-18 months. Further short-term investment will be made following the completion of the needs’ assessment. Initial investment will include:

Increasing capacity of safe accommodation	<ul style="list-style-type: none"> • Continuing the funding of 13 units of accommodation previous funded by a MHCLG grant to 30 September 2022. This will maintain the number of commissioned units at 67 until 2022/23 • Enhancement of the existing sanctuary scheme support.
Support move-on from specialist accommodation	<ul style="list-style-type: none"> • Introducing ‘flexible funding’, a designated funding pot that domestic abuse support workers can access quickly and easily to enable victim/survivors to achieve safe and stable housing. This in line with the WHA.
Improve specialist support for victims and children in safe accommodation	<ul style="list-style-type: none"> • Providing additional counselling and therapy for children and adults affected by domestic abuse • Providing additional specialist support for victims with insecure immigration status.
Improve coordination for victims and children with complex needs	<ul style="list-style-type: none"> • Creating specialist support embedded into the local authority.

1.29 Follow the completion of the needs’ assessment, strategy and clarification of future funding from the Government’s Comprehensive Spending Review, a longer-term investment plan will be developed to ensure the duties of the Act are met. Full evaluation of services to measure delivery of quality outcomes will be part of the commissioning process.

Prioritisation of domestic abuse victims within homelessness applications

- 1.30 The Act amends existing homelessness legislation (the Housing Act 1996) by extending priority need to all eligible victims who are homeless as a result of being a victim of domestic abuse. This change removes the requirement for victims of domestic abuse to demonstrate vulnerability in order to attain priority need and clarifies the remit of people affected by this change with the new statutory definition of domestic abuse.
- 1.31 Currently single (and childless) victims who are made homeless as a result of domestic abuse and who don't have priority need for other reasons have an assessment of whether they are vulnerable due to domestic abuse. If not considered vulnerable, local authorities may continue to try and relieve their homelessness or end the duty towards them. Under the new legislation, single (and childless) victims who are made homeless due to domestic abuse will receive automatic priority need without any assessment of whether or not they are vulnerable.
- 1.32 The overall ambition of the Domestic Abuse Act is to increase the confidence of victims to seek support in the knowledge that agencies will meet their needs and it is anticipated that this will increase the number of victims presenting as homeless and increase the demand for temporary and move on accommodation.
- 1.33 As noted in paragraph 1.29, it is proposed that 13 units of specialist domestic abuse accommodation – currently funded under temporary funding arrangements – will be continued to be commissioned to help alleviate the demand on housing services and meet victims' needs.
- 1.34 The change to the homelessness duty is due to commence in the summer, with further guidance expected to be released by The Government in the coming month.
- 1.35 The Government has stated a new burdens assessment will be conducted to determine if local authorities will incur any additional costs as a result of this change; with funding allocations to be announced in the spring.

2. Options considered and recommended proposal

- 2.1 A number of arrangements have been considered for the Domestic Abuse Local Partnership Board. Considered options have included creating a new forum in entirety and considerations of working arrangements with other statutory boards. Legal advice is that as a statutory board of the local authority the Domestic Abuse Local Partnership Board needs to report to Cabinet with links to other Boards.
- 2.2 The options for carrying out the needs' assessment and strategy for accommodation-based support were considered within the context of the current needs' assessment and strategy. The current needs assessment and strategy are due for refresh in 2023, this will be a significant piece of work. Because of the short timescales for implementing the requirements of the Act, a specific needs assessment for accommodation-based support and an addendum to the strategy were agreed to be the most cost-effective and timely options.
- 2.3 Procurement of services with Warwickshire was considered. The short-term nature of funding does not suit this; although it may be an option for longer term arrangements for specialist support in Safe Accommodation. This will be determined following the needs assessment and outlined in the strategy addendum. There are already mutual arrangements in place with Warwickshire for accommodation provision where needed.

- 2.4 Options for longer term investment cannot yet be considered. There is no national commitment of funding beyond 2021/22. The needs assessment, strategy addendum and evaluation of delivery of services this year will help to inform longer term needs.

3. Results of consultation undertaken

- 3.1 The needs assessment will include consultation with victims and partner agencies and will be used to inform the development of the addendums to the strategy. The Domestic Abuse Local Partnership Board is required as a vehicle for consultation on needs, the strategic direction, the local authority's new duties and commissioning intentions.

4. Timetable for implementing this decision

- 4.1 The Domestic Abuse Local Partnership Board will be implemented with immediate effect, an interim Board was held on 17 May 2021 because of the short timescales required by the Bill.

5. Comments from the Director of Finance and the Director of Law and Governance

5.1 Financial implications

The Government has provided Coventry City Council with a grant of £849,930 in 2021/22 for the purpose of and the expectation that the Council start to prepare and fulfil the relevant functions under the duty.

No funding has been provided beyond 2021/22 and the Ministry of Housing, Communities and Local Government state that any further funding would be confirmed as part of the Governments Comprehensive Spending Review.

The Grant terms do not include a requirement for spend to be completed by 31st March 2022, and as per paragraphs 1.16 and 1.29 above the plan is to commit the grant over the period up to 30th September 2022 to reflect time for the needs assessment to be completed as well as further commissioning activity.

5.2 Legal implications

The Domestic Abuse Local Partnership Board is a statutory board of the Council with requirements to deliver specified elements of the Domestic Abuse Act.

It is an expectation in the Act that the members of the Domestic Abuse Local Partnership Board must include the following:

- a) a representative of the relevant local authority;
- b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
- c) at least one person appearing to the authority to represent the interests of victims of domestic abuse;
- d) at least one person appearing to the authority to represent the interests of children of domestic abuse victims;
- e) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area;
- f) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;

- g) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.

The further specifics of the Act, and further details as to the responsibilities under the Act will be provided in forthcoming Statutory Guidance and Statutory Regulations.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

The services support the One Coventry Corporate Plan's vision to help to make communities safer, improve the health and wellbeing of local residents and protect our most vulnerable people by keeping children and adults safe from harm and improving services for people experiencing domestic abuse.

6.2 How is risk being managed?

During its writing and progression through Parliament, the Domestic Abuse Act 2021 has been subject to a number of significant amendments. An officer group has worked to understand the implications and impact of the Act and ensure that risks are managed. Key risks are:

- **Absence of future funding:** No 'additional burden' funding has been confirmed beyond 2021/22. The needs assessment in consultation with the Domestic Abuse Local Partnership Board, will determine commissioning arrangements from 2022/23 onwards.
- **Increase in demand:** It is anticipated that the Act will increase and widen reporting of domestic abuse and increase demand on a range of services including specialist accommodation-based and community-based domestic abuse services, criminal justice agencies, social care, safeguarding and homelessness provision. Two initiatives which may support secondary prevention have been commissioned by the City Council (see paragraph 1.10) to help reduce the number of victims reaching crisis. The impact of these will be evaluated during 2021/22. The broader statutory definition of domestic abuse may increase the nature of victims who approach agencies for support; again, the impact of this will be monitored through existing forums and the new Domestic Abuse Local Partnership Board.

6.3 What is the impact on the organisation?

Domestic abuse is a significant issue for many functions of the City Council, including Adult's and Children's Services, Safeguarding, Housing and Community Safety. Domestic abuse is priority for the Council and is featured within the One Coventry Corporate Plan.

The key impacts of the Act on the local authority are outlined in the paper and include a range of new duties and the likelihood of increasing demand on a number of services as a result of improved confidence for victims to come forward and report.

6.4 Equality Impact Assessment (EIA)

Duties under section 149 of the Equality Act 2010 were discharged during the re-procurement of safe accommodation services in 2019, including the completion of an Equality Consultation Analysis. Moving forward, the needs of people with protected characteristics will be re-assessed as part of the needs' assessment required from the Act.

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

There are no implications.

6.6 Implications for partner organisations?

As outlined in the paper, the Act has a number of significant impacts on partner agencies, including the police, courts and other criminal justice agencies, legal aid agency, education, social care, housing and health services.

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