

Coventry City Council
Minutes of the Meeting of Council held at 2.00 pm on Tuesday, 5 December 2023

Present:

Members: Councillor J Birdi (Chair)

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|------------------------|-------------------------|
| Councillor F Abbott | Councillor R Lakha |
| Councillor S Agboola | Councillor M Lapsa |
| Councillor N Akhtar | Councillor J Lepoidevin |
| Councillor P Akhtar | Councillor G Lloyd |
| Councillor M Ali | Councillor P Male |
| Councillor R Bailey | Councillor A Masih |
| Councillor L Bigham | Councillor K Maton |
| Councillor J Blundell | Councillor C Miks |
| Councillor R Brown | Councillor B Mosterman |
| Councillor K Caan | Councillor M Mutton |
| Councillor G Duggins | Councillor S Nazir |
| Councillor J Gardiner | Councillor J O'Boyle |
| Councillor S Gray | Councillor E M Reeves |
| Councillor L Harvard | Councillor G Ridley |
| Councillor G Hayre | Councillor E Ruane |
| Councillor M Heaven | Councillor K Sandhu |
| Councillor P Hetherton | Councillor T Sawdon |
| Councillor T Jandu | Councillor P Seaman |
| Councillor A Jobbar | Councillor R Simpson |
| Councillor A Kaur | Councillor B Singh |
| Councillor L Kelly | Councillor R Singh |
| Councillor S Keough | Councillor R Thay |
| Councillor T Khan | Councillor CE Thomas |
| Councillor AS Khan | |

Honorary Alderman J Clifford, D Skinner and T Skipper

Apologies: Councillors A Hopkins, J Innes, R Lancaster, J McNicholas, A Tucker and D Welsh
Honorary Alderman M Hammon

Public Business

73. Minutes of the Meeting held on 17 October 2023

The Minutes of the meeting held on 17 October 2023 were agreed and signed as a true record.

74. Return of Councillor

The City Council noted the return of Dr Lynnette Kelly as a Labour Councillor elected for Earlsdon Ward in the City, on 26 October 2023, for a term expiring in 2026. .

On behalf of the Council, the Lord Mayor welcomed Councillor Dr Kelly back to Council.

75. **Correspondence and Announcements of the Lord Mayor**

1. Former Councillor Becky Gittins

The Lord Mayor referred to former Councillor Gittins who resigned from her position as an Earlsdon Ward Councillor in September. Becky was elected in 2019 and was extremely proud to represent her constituents. During her term of office, she was Deputy Cabinet Member for Children's Services and did an excellent job engaging with young people.

Members paid tribute to Becky, thanked her for her hard work and dedication and wished her every success in the future.

2. Death of Rosie Brady

The Lord Mayor referred to the recent death of Rosie Brady who was the co-founder of Coventry Resource Centre for the Blind, one of the charities chosen for the Mayoral year.

Rosie herself was blind due to macular degeneration and understood how difficult life could be for people living with sight loss. She helped and inspired many people and will be sadly missed by all who knew her.

Members paid tribute to Rosie and noted that a letter of condolence had been sent to Rosie's family.

3. Installation of Christopher Cocksworth as Dean of Windsor

The Lord Mayor reported that he, together with the Leader, the Deputy Leader and the Lady Mayoress recently had the pleasure of attending Windsor Castle for the installation of the former Bishop of Coventry as Dean of Windsor, the head of St George's Chapel. The Lord Mayor remarked that it was an honour and a privilege to witness this special occasion. The Lord Mayor and Lady Mayoress were extremely fortunate to meet the King, who very graciously took time to speak to them.

Members noted that Bishop Ruth Worsley had taken up the position of acting Bishop of Coventry and a letter welcoming her to the City would be sent by the Lord Mayor.

76. **Petitions**

RESOLVED that the following petitions be referred to the appropriate bodies/outside organisations:

- (a) Request for the installation of a pedestrian crossing across Baginton Road, near to the junction with the Chesils – 202 signatures, sponsored by Councillor Tucker, presented by Councillor Kelly.
- (b) Request for the City Council to work with Transport for West Midlands and National Express to keep the No. 19 Tile Hill to Coventry via Cannon Park Shopping Centre Bus Service – 110 signatures presented by Councillor Blundell.
- (c) Petition calling on Transport for West Midlands to bring forward plans to move the bus stop currently outside 282 Broad Lane – 21 signatures, presented by Councillor Ridley.
- (d) Request for the installation of outdoor gym equipment in the Willenhall area in line with neighbouring Cheylesmore – 70 signatures, presented by Councillor Thomas.
- (e) Urgent request for the implementation of a pedestrian crossing at the end of Charter Avenue, leading to Cromwell Lane – 41 signatures, presented by Councillor Masih.
- (f) Petition objecting to planning application PL/2023/0001989/FUL for Charter Avenue Post Office – 217 signatures presented by Councillor Lapsa.
- (g) Petition objecting to planning application PL/2023/0001989/FUL for Charter Avenue Post Office – 216 signatures presented by Councillor Masih.
- (h) Petition requesting a pause in the proposed programme for measures relating to the Earlsdon ‘Liveable Neighbourhood’ programme – 276 signatures, presented by Councillor Heaven.

77. Declarations of Interest

There were no declarations of interest.

78. Proposed Amendments for the Constitution

Further to Minute 37 of the Cabinet Member for Policing and Equalities, the City Council considered a report of the Chief Legal Officer which outlined proposed changes to the Constitution.

The Constitutional Advisory Panel at its meeting on 31 October 2023 considered the following proposed changes to the Constitution:

- (a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
- (b) Amendments to the Council Procedure Rules as set out in Part 3A of the Constitution
- (c) The establishment of Sub Committee of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications.

(a) Contract Procedure Rules (Part 3G of the Constitution)

The background and the proposed amendments to the Contracts Procedure Rules were set out in Appendix A of the report. The amendments proposed support SME’s in tendering for below threshold tenders and quotation exercises following

feedback received in response to Procurement Services' Equality, Diversity and Inclusion (EDI) survey. The proposed amendments could be summarised as follows:

- Administrative changes (titles, up-to-date PCR thresholds)
- Furtherance of the Council's Social Value agenda through increasing minimum number of tenders/quotes sought and establishing minimum timescales below threshold.
- Clear identification of legislative requirements with regards to publication of notices to ensure compliance with the regulations.
- Explicit reference to contracting with Local Authority Trading Companies (teckal) in accordance with the Public Contracts Regulations 2015.
- Reflect the recently issued revised public procurement thresholds for goods, services and works that would come into force from 1 January 2024.

The Cabinet Member noted that the proposed amendments were the first of three potential set of amendments to the Contracts Procedures Rules due to forthcoming legislative changes.

The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in Appendix A, be recommended to the Cabinet Member for approval.

(b) Council Procedure Rules (Part 3A of the Constitution)

The background and the proposed amendments to the Council Procedure Rules were set out in Appendix B to the report and follow a review of the Council Procedure Rules by David McGrath, an external trainer with expertise and knowledge of Council Procedure Rules, their application and best practice. The review provided a number of recommendations and items for consideration relating to the following:

- The modernisation use of language throughout the Procedure Rules
- A change in relation to the effect on quorum of a Member declaring an interest and leaving the meeting
- A change in relation to Members being required to stand to address the meeting
- The introduction of a limit on the number of supplementary questions and a time limit on the length of question Time, together with guidance to questioners to assist with precision and fairness in questioning
- A change in relation to not allowing Motions to be submitted to the February Council Tax and Budget setting meeting
- The clarification in relation to requiring Motions to have a discernible link to the City Council.

The Constitutional Advisory Panel considered these and noted that other matters raised by the review had not been included as they helpfully reflected wider practice but were not as relevant to the City Council's approach.

The Advisory Panel agreed with the recommended amendments, except for the introduction of a limit on the number of supplementary questions and a time limit on the length of Question Time. The Advisory Panel noted that in relation to

supplementary questions, the Lord Mayor has the power to disallow supplementary questions which, in their opinion is irrelevant or frivolous or a repetition of on substantially similar to a question or questions already asked. The Advisory Panel considered that, if this power was applied effectively by the Lord Mayor, there was no need for any further restriction on Question Time. It was agreed that providing clarity in relation to guidance to questions to assist with precision and fairness in questioning would be helpful.

The Constitutional Advisory Panel therefore agreed that all of the proposed amendments, as detailed in Appendix B, should be recommended to the Cabinet member for Policing and Equalities for approval.

(c) Establishment of Licensing and Regulatory Sub-Committees to deal with Hackney Carriage and Private Hire Licensing

The Constitutional Advisory Panel considered a proposal to establish Licensing and Regulatory Sub Committees to deal with Hackney Carriage and Private Hire Licensing Applications to provide more efficient decision making. The proposal, which was recommended should be introduced from the start of the new Municipal Year 2024/25:

- Would establish two equal, politically balanced, Sub-Committee by dividing the membership of the Licensing and Regulatory Committee. The Chair and Deputy Chair of the Committee would sit on both Sub-Committees.
- Each Sub-Committee would meet bi-monthly and Members would know at the start of the year which Sub-Committee they were appointed to and the dates of those meetings. This would ensure that all Members of the Committee would deal with such applications during the year.
- The quorum of each Sub-Committee would be four. And if they were unable to attend a meeting, Members would be entitled to nominate a substitute member from the membership of the other Sub-Committee.
- The Licensing and Regulatory Committee would still meet in full to consider any other matters delegated to them as necessary.

Councillor F Abbott, Chair of the Licensing and Regulatory Committee, attended the meeting of the Constitutional Advisory Panel and indicated her support for the above proposals.

The Advisory Panel indicated that it would important that the membership of each Sub-Committee ensures that there is a mix of both experienced and less experienced Members in licensing matter, and it was noted that this would be addressed with Group Leaders during the appointment process prior to the Annual Meeting of the Council.

The Constitutional Advisory Panel agreed that the proposal as outlined above be recommended to the Cabinet Member for Policing and Equalities for approval.

RESOLVED that, the City Council approved Recommendations (1) to (3) below and authorises the Chief Legal Officer to make necessary amendments to the Constitution:

- (1) The proposed amendments to the Contracts Procedure Rules (Part 3G of the Constitution) as detailed in Appendix A to the report with immediate effect.**
- (2) The amendments to the Council Procedure Rules (Part 3A of the Constitution) as detailed in Appendix B to the report with immediate effect.**
- (3) The establishment of Sub-Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire applications from the start of the Municipal Year 2024/25.**

79. Amendments to Appointments

The City Council considered a report of the Chief Legal Officer which sought to appoint to Labour Party vacant seats on Council bodies in accordance with the political balance calculation.

At the Annual Meeting on 18 May 2023, the City Council noted the allocation of seats to Political Groups in accordance with the political balance rules and made appointments to Council bodies accordingly.

Following the resignation of former Earlsdon Ward Councillor Becky Gittins, a by election was held on 26 October 2023 at which Councillor Dr Lynnette Kelly a Labour Party councillor, was elected. Therefore, the political balance of the Council remains as it was in May 2023.

RESOLVED that the City Council approves the appointment of Councillor Dr L Kelly to the following Council bodies with immediate effect:

- (a) Licensing and Regulatory Committee**
- (b) Finance and Corporate Services Scrutiny Board (1)**
- (c) Communities and Neighbourhoods Scrutiny Board (4)**

80. Delivery of a Future "Best in Class" Refuse Collection Service for Coventry

The City Council considered a report of the Director of Streetscene and Regulatory Services which reported on the delivery of a Future "Best in Class" refuse collection service for Coventry.

The City Council has a legal duty to collect and treat household waste as laid out in the Environmental Protection Act 1990. Whilst the waste types collected are prescribed by national government, the method of treatment and the frequency of collection are matters for each local authority.

The collection of household waste is one of the most visible universal services provided by any local authority with a weekly transaction at every household. Coventry is no different, and it is therefore important that the residents of the city received a "best in class" waste collection and treatment service.

In order to continue to develop a “best in class” waste collection service, it was imperative that the City Council has a good quality trained workforce with appropriate terms and conditions of employment, reflecting a modern and responsive service delivering for the residents of Coventry.

The report sought to outline measures to be taken to develop a “best in class” waste collection service, how waste collection colleagues would be deployed to meet the evolving needs of Coventry Residents and how the terms and conditions on which colleagues are employed would support those aims. The report did not propose to change the method or frequency of domestic refuse collection in Coventry.

The City Council has, historically, operated an in-house waste collection service for household waste and recycling. The City Council also operates a household recycling collection service for the residents of Nuneaton and Bedworth on behalf of the Borough Council. The disposal and / or treatment of both commercial and domestic waste are managed on the City Council’s behalf by several subsidiary companies owned by the City Council. There is no proposal to change the existing arrangements for the disposal and / or treatment of domestic waste in Coventry. Nor is there any proposal to change the method or frequency of refuse collection for Coventry residents.

Since the cessation of the industrial action by waste HGV drivers in August 2022, the City Council has operated waste collections using a mixed workforce directly employed on City Council terms and conditions or employed by Tom White Waste on their terms and conditions. The City Council terms and conditions provide for the operation of “task and finish” for waste collection rounds, whilst Tom White Waste terms and conditions do not. The use of task and finish means that the Council’s directly employed staff can finish their shift once a group of collection rounds have completed their assigned task (e.g. the collection of recyclable waste) and have returned to the depot.

The use of Tom White Waste employees to assist in the delivery of the City Council’s domestic refuse collection service since the beginning of 2022 has provided many benefits to the service, not least through an overall change in culture to one that better serves the residents of Coventry. However, the current mixture of staff working on different terms and conditions, with one set of terms and conditions providing for the operation of “task and finish” reduces the flexibility to deliver a “best in class” service. For example, deploying resources effectively whilst working to two sets of terms and conditions is not conducive to delivering the best service for the residents of Coventry and is expensive to operate. It also hampers the service’s ability to be reactive to demand led service needs. The City Council is looking to modernise the service, and as part of this, it considers that change is best delivered by having a single directly employed workforce, with new terms and conditions providing for standardised and predictable working hours and the removal of “task and finish”.

Over the last six months, negotiations on the realignment of terms and conditions have taken place with the trade unions recognised by the City Council, namely: Unite, Unison and GMB. Unfortunately, despite the best efforts all parties, no agreement on a mechanism for change has been reached. In addition, there is currently no agreement on the single proposal from the three trade unions to move

forward with the continued development of a “best in class” refuse collection service as outlined below.

Officers sought independent legal advice on a way forward to introduce new contractual arrangements, including a move away from “task and finish” so as to allow the City Council to continue to develop a “best in class” waste collection service. The following two options were considered to provide an equitable and legally compliant way forward.

Option 1 was to market test and outsource the waste collection service to a third party not owned by the City Council. Having robustly explored the feasibility of this, including the timescale to deliver this option; and given the potential increase in cost from an outsourced waste collection service, the inevitable loss of direct control of a highly visible universal service, and the Council’s inability to achieve direct change to support the continued development of the service, this option was not recommended.

The second option was to modernise the service and establish standardised and predictable patterns of waste collections, a single set of terms and conditions for those working in waste collection be introduced without the use of “task and finish” system, via direct recruitment and changes to the contractual terms of existing employees.

This option would retain an in-house waste collection service, and, by virtue of that continued direct control, it would achieve the City Council’s aim of continuing to improve the service by delivering a change in terms and conditions, including a move away from “task and finish”. In support of this option, it was proposed that:

Vacant posts in the Council’s establishment which were currently being covered by Tom White Waste employees would be recruited to directly on new City Council terms and conditions. These new terms and conditions would not include continued use of “task and finish”.

Following collective consultation, existing employees on City Council terms and conditions would be offered the same terms and conditions as new starters. After collective consultation is concluded, and assuming that no new information comes to light as part of that process, any employee not agreeing to the variation of their terms and conditions would be given notice to terminate their existing contract of employment and offered re-engagement on the City Council’s new contract.

Once that process was concluded, the waste service would also look at rebalancing the rounds to ensure that work was being allocated effectively and in line with the capacity of the service

Allowing for both the consultation time, and contractual notice to be given (if required), this option could be delivered in less than nine months.

This was the preferred option, as it would retain control of the service, it would achieve a uniform set of terms and conditions, and would reach a conclusion sooner, which in turn would allow the progress to a “best in class” service to continue at a pace.

RESOLVED that the City Council notes the measures to be taken to create a modern and responsive waste collection service and the subsequent changes to terms and conditions upon which those operating in the service will be employed.

81. **Exercise of Emergency Functions**

The City Council noted a report of the Chief Executive informing the Council of a decision undertaken by the Chief Executive in accordance with the Constitution and following consultation with the Leader of the Council, Councillor G Duggins, to exercise emergency functions to accept and allocate a grant of £2,539,200 from the Department for Levelling Up, Housing and Communities (“DLUHC”) pursuant to the grant scheme known as the Local Authority Housing Fund Round 2 (LAHF2).

On 10 November, 2023 the Chief Executive was satisfied that the following decision was required to be taken pursuant to the emergency provision in connection with the acceptance and allocation of a grant of £2,539,200 from the Department for Levelling Up, Housing and Communities (“DLUHC”) pursuant to the grant scheme known as the Local Authority Housing Fund Round 2 (LAHF2). The Council received a Memorandum of Understanding to receive the grant from the DLUHC on 3 November, 2023 which was required to be signed by 13 November, 2023.

- Accept a grant in the sum of £2,539,200 and use the grant in line with the grant determination issued
- Approve that Stonewater Limited (via a legal agreement) will be transferred up to £423,200 in grant to deliver upon the purchase of 4 properties purchased for families on an Afghan resettlement scheme.
- Approve that the grant of £2,539,200 is added to the City Council’s Revenue Budget
- Delegate authority to the Director of Adults and Housing to administer the grant in accordance with the grant determination referenced above.

The purpose and objectives of the grant were to:

- Provide sustainable housing to those on Afghan resettlement schemes at risk of homelessness so that they can build new lives in the UK, find employment and integrate into communities.
- Reduce local housing pressures beyond those on Afghan resettlement schemes by providing better quality temporary accommodation to families owed homelessness duties by Local Authorities.
- Reduce emergency, temporary and bridging accommodation costs.
- Reduce impacts on the existing housing and homelessness systems and those waiting for social housing.

The City Council (in accordance with the requirements of the grant) would purchase 20 properties for use as temporary accommodation. The LAHF2 funding will be match funded by the City Council utilising capital funding to purchase family temporary accommodation units which was approved by Cabinet in March 2022. The City Council appointed the registered housing provider (Stonewater Limited) to deliver the requirements of LAHF 1. The Council would extend the arrangement

with Stonewater Limited so that the Council (in accordance with the requirements of the grant) deliver upon the requirements of the purchase of 4 properties purchased for families on an Afghan resettlement scheme.

The above decision, including the reasons for the decision taken, had been published on the City Council's website.

82. Question Time

Councillors O'Boyle and Welsh provided written answers to the questions set out in the Questions Booklet, together with oral responses to supplementary questions asked at the meeting.

The following Members answered oral questions put to them by other Members as set out below, together with supplementary questions on the same matters:

| No | Questions asked by | Question put to | Subject matter |
|-----------|---------------------------|------------------------|---|
| 1 | Councillor Masih | Councillor Bigham | Consultation to remove the current care home in Canley |
| 2 | Councillor Lepoidevin | Councillor Seaman | The number of unaccompanied asylum seeking children currently in the care of Coventry's Children's Services and whether the Council receives any additional funding for them. |
| 3 | Councillor Simpson | Councillor Agboola | The cost to the Council of the Planning Inspectorate's decision regarding the development on brownfield land at Abbots Lane and whether there had been discussions with finance officers regarding the costs the Council would have to pay. |
| 4 | Councillor Simpson | Councillor Duggins | The purpose of Deputy Cabinet Member roles and whether they should be abolished |
| 5 | Councillor Lapsa | Councillor Caan | Illegal sales of vapes and cigarettes and damage to health |

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|---|------------------|--------------------|---|
| 6 | Councillor Lapsa | Councillor AS Khan | Prosecution of those found selling illegal vapes and cigarettes |
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83. **Statements**

Councillor Seaman, Cabinet Member for Children and Young People made a Statement in respect of Childrens Services.

Councillor Lepoidevin, Shadow Cabinet Member for Children and Young People, responded to the Statement.

Councillor Reeves, on behalf of the Green Group, responded to the Statement.

Councillor Seaman made a short reply.

84. **Debate: Request Government to Review the Governance Arrangements for Future Events of City of Culture**

The following Motion was moved by Councillor Male and seconded by Councillor Ridley:

"In light of Coventry's recent experience hosting the City of Culture, this Council calls upon the Government to review the governance arrangements for future events."

The following amendment was moved by Councillor Duggins, seconded by Councillor Agboola, and in accordance with the Constitution, accepted by Councillor Male:

At the end of the debate, delete the full stop and add :-

"and commit dedicated legacy funding to secure legacy work beyond the year itself"

The amended Motion now to read:-

"In light of Coventry's recent experience hosting the City of Culture, this Council calls upon the Government to review the governance arrangements for future events and commit dedicated legacy funding to secure legacy work beyond the year itself"

RESOLVED that the amended Motion, as set out above be unanimously adopted.

85. **Debate: Call on Government to Level Up Per Capita Funding for Coventry to National Average Levels**

The following Motion was moved by Councillor Brown and seconded by Councillor N Akhtar:

“Since 2010 Coventry City Council has suffered drastic funding cuts of over £100m per year. At £678 per household these cuts are significantly more than the national average of £581 per household. Funding levels per head in Coventry are now at £89 below the national average.

This means that Coventry people are being “short-changed” by this Conservative government by £31m each year with a funding level also well below the average for the West Midlands region.

Although this Labour led council has managed its finances with prudence and robust control over the last 13 years, rising demand pressures in social care operating within deregulated markets overlaid by soaring inflation has seen our ability to deliver a balanced budget, whilst protecting the most vulnerable, severely compromised. Coventry people should not have to suffer unduly for 13 years of Tory failure.

This council calls on government to immediately level up per capita funding to national average levels.”

RESOLVED that the Motion, as set out above, be adopted.

86. Debate: New Waste and Recycling Management Plant at Whitley

The following Motion was moved by Councillor Gray and seconded by Councillor Reeves:

“This council welcomes the fact that the new recycling plant at Whitley is now in operation.

It therefore commits to making every reasonable effort to increase the proportion of waste that is reused and recycled, and to ensure that the plant is used to its full capacity. It also commits to making every reasonable effort to reduce the amount of carbon emissions and other forms of pollution produced by our waste management operations”.

RESOLVED that the Motion, as set out above, be adopted.

(Meeting closed at 5.00 pm)