



Coventry City Council

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## **Council Meeting**

15 September 2009

**Booklet 1**

Recommendation Minutes

# **INDEX TO MINUTES**

Cabinet – 25 August 2009

## CABINET

25<sup>th</sup> August, 2009

Cabinet Members  
Present:

Councillor Blundell  
Councillor Mrs Dixon  
Councillor Foster (Chair)  
Councillor Mrs Johnson  
Councillor Lee  
Councillor Noonan  
Councillor Sawdon  
Councillor Williams

Non-Voting Opposition  
Representatives present:

Councillor Duggins  
Councillor Mutton  
Councillor Nellist

Employees Present:

H. Abraham (Customer and Workforce Services Directorate)  
P. Beesley (City Development Directorate)  
S. Bennett (Customer and Workforce Services Directorate)  
F. Collingham (Chief Executive's Directorate)  
D. Cockcroft (City Development Directorate)  
A. Duncan (City Development Directorate)  
C. Forde (Head of Legal Services)  
C. Green (Director of Children, Learning and Young People)  
B. Hastie (Finance and Legal Services Directorate)  
J. Handley (Customer and Workforce Services Directorate)  
T. Jones (City Development Directorate)  
J. McGuigan (Director of City Development)  
B. Messinger (Director of Customer and Workforce Services)  
J. Mosey (City Development Directorate)  
J. Parry (Assistant Chief Executive)  
M. Reeves (Chief Executive)  
B. Walsh (Director of Community Services)  
C. West (Director of Finance and Legal Services)  
H. Williams (Finance and Legal Services Directorate)  
M. Yardley (City Development Directorate)

Apologies:

Councillor Ridley  
Councillor Taylor

## **RECOMMENDATIONS**

### **44. Exclusion of Press and Public**

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the items of business indicated below on the grounds that those items involve the likely disclosure of exempt information as defined in the Paragraphs of Part I of Schedule 12A of that Act as indicated.

<b>Minute No.</b>	<b>Subject</b>	<b>Relevant Paragraph(s) of Part 1 of Schedule 12A</b>
52	City of Coventry (Far Gosford Street) Compulsory Purchase Order	3
53	Land Adjoining Salt Lane Public Car Park	3
54	Heat Line Project: Phase 1	3

**46. Equality Bill: Response to Government Consultation on Proposals for Specific Duties**

The Cabinet considered a report of the Assistant Chief Executive which indicated that the Government was currently consulting on a set of specific duties to support better performance on the new Equality Duty as set out in the Equality Bill 2009 which was currently working its way through Parliament. The Equality Act would replace the current general equality duties and additional specific duties that are set out for public authorities in a range of equality legislation. This equality legislation included nine major pieces of discrimination legislation, 100 statutory instruments and more than 2,500 pages of guidance and statutory codes.

The proposed specific duties set out in the consultation document, once agreed, would be set out in regulations which would accompany the new Equality Act and would apply to public authorities operating across Great Britain (including local authorities). These new specific duties would replace the current range of specific duties including those for race, gender and disability, which were complex and varied in their requirements and effectiveness. The new proposals covered a wider range of equality issues such as age and sexual orientation and socio-economic disadvantage. The proposals were simpler, more outcome focused, proportionate and less bureaucratic and allowed for local determination of need.

The report indicated that the proposals in the consultation document were to be welcomed and reflected the approach the City Council had been taking to equality issues for some time: identifying real equality outcomes; promoting equality of opportunity for all (including addressing socio-economic disadvantage) rather than just focusing on a specified number of equality "strands"; and addressing equality issues in a practical and proportionate way through activity managed through mainstreaming service planning.

A detailed response has been prepared to the consultation and was set out in Appendix 1, to the report, answering each of the 25 specific questions asked by the Government through this consultation exercise. It was proposed that the response be sent by the City Council, with a covering letter welcoming the proposals, in time for the end of the formal consultation period on 30 September 2009.

The Cabinet noted that Scrutiny Board (1) had considered the report at their meeting on 5<sup>th</sup> August, 2009 and had fully supported the proposed response.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommends that the City Council approves the consultation response detailed in the Appendix to the report and sends it to the Government as the Council's formal response to the consultation on the specific duties for the Equality Bill.**

#### 47. **City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009**

The Cabinet considered a report of the Directors of City Development and Finance and Legal Services that indicated that a Compulsory Purchase Order (CPO) was required to achieve the comprehensive regeneration of the Far Gosford Street area in accordance with the Far Gosford Street development brief and Townscape Heritage Initiative (THI). A corresponding private report, detailing commercially confidential and financial aspects of this proposal, was also submitted to the meeting (Minute 52 below refers).

Land and property to be included in the Order was located within or close to Sites 1 to 7 on Map 1. A scaled map (the Order Map) showing the actual boundaries of the property interests to be acquired was displayed at the meeting.

The report indicated that all other options had been exhausted and that there was now a strong financial, legal and Planning justification for this course of action, including the allocation of funding and the appointment of a development partner, Complex Development Projects Ltd (CDP). Failure to act now could risk the loss of substantial regeneration funding awarded to the scheme. If the City Council resolved to make a CPO and objections were received from the property interests affected, a Public Inquiry would be required. If the Secretary of State confirmed the Order, the Council would be empowered to acquire the affected properties over a period of three years. After this period, should the Council choose not to exercise the acquisition of any of these properties, the CPO would expire. After acquisition by the Council, the properties would immediately be transferred at the same value to CDP.

Two types of property were covered by the Order: historic properties and new developments. For the historic properties, grant funding was already in place. The legal agreement between CDP and the City Council contractually bound CDP to acquire these properties where the current owners have not proceeded with restoration, and to undertake all the necessary restoration works. This provided certainty that the historic properties would be restored, subject to confirmation of the Order. For new developments, viability calculations had not yet established the precise level of grant funding required (if any). In these cases, CDP would become contractually bound when these had been completed and grant funding agreed. In most cases, this was expected to happen before the CPO Inquiry. On confirmation of the CPO, a legal agreement between CDP and Advantage West Midlands (AWM) would impose a profit cap on CDP that would convert excess profit on the profitable components of the new developments into grant to subsidise the unprofitable components of the new developments.

The acquisition process and legal agreements between the three parties would ensure that there was no risk of the Council being left with properties that could be sold on to CDP. The temporary cost of the acquisition of properties by negotiation in advance of CPO and the holding of these would be met by CDP. 'Back to back' conveyancing processes would ensure there was no delay between the acquisition of properties by the Council and their subsequent re-sale to CDP, thus eliminating any holding costs.

The report detailed the options considered; several courses of action that were currently in hand to deliver the comprehensive regeneration and avoid or reduce the need for a CPO; the results of public consultation undertaken over a number of years on the regeneration proposals; together with the timetable for implementing the decision.

An addendum to the report was circulated the meeting which indicated that on 6<sup>th</sup> August, 2009, Advantage West Midlands had approved £1.15m of European Regional Development Funding (ERDF) for Far Gosford Street to match Heritage Lottery Funding (HLF) already secured. Approval was sought to add this funding to the capital and revenue programmes. The extra capital funding of £1m would help to meet a shortfall in the grant requirement to restore

historic buildings in the street. The additional revenue grant of £150,000 would help to finance contract extensions for the Far Gosford Street project team until project completion in March 2012.

The extra funding was expected to lead the creation of 30 new jobs, safeguarding 40 existing jobs and create eight new businesses.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommends that the City Council:-**

- 1) Authorises the making of the City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009 ("the Order") under Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 in respect of the lands coloured pink on the plan marked "Map referred to in the City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009" displayed at the meeting.**
- 2) Authorises the Director of City Development and the Director of Finance and Legal Services to advertise the Order and submit it to the Secretary of State for Communities and Local Government in accordance with the Acquisition of Land Act 1981 and to take all necessary steps to secure the confirmation and implementation of the Order, including, if necessary, presentation of the Council's case at public inquiry.**
- 3) Agree that, notwithstanding the previous recommendations, attempts continue to be made to acquire the land interests by agreement in accordance with Government Circular 06/2004.**
- 4) Agree the Statement of Reasons For Making the Order, which is attached as Appendix A to the report , and summarised in paragraph 2.2 of the report and agree the schedule of interests to be acquired set out in Appendix B to the report.**
- 5) Approves the addition of £1m to the capital programme and £150,000 to the revenue programme for the Far Gosford Street Regeneration.**

#### **51. Heat Line Project: Phase 1**

The Cabinet considered a report of the Directors of City Development and Finance and Legal Services which sought approval for a single tender negotiation to carry out the design and build of the heat line project and to the appointment of a Mechanical and Electrical (M and E) Consulting engineer to oversee the project on the Council's behalf. A corresponding private report, detailing commercially confidential and financial aspects of this proposal, was also submitted to the meeting (Minute 54 below refers).

The report indicated that Coventry had submitted a grant application for funding under the Green Stimulus Programme. The programme was announced in the 2009 Budget and was aimed at developing district heating schemes. The funding would be used to supply and install the major flow and return pipeline infrastructure, as detailed in Appendix 1 to the report, from the Energy from Waste Plant at Bar Road (Point A) to Deasy Road (Point B), with the capacity to further extend the pipeline through cost management of the budget to Point C, which was located at Whitefriars Street. This would be the first phase of a larger project that would link to existing commercial buildings and future developments in the City Centre to form a district heating scheme using the hot water generated as a by-product of the electricity generation process at the Energy

from Waste plant.

Project Transform intended to replace the existing Energy from Waste plant, the Outline Business Case for this project stated that it would be implemented between 2015 and 2020. The heat line project would only proceed on the basis that there were sufficient benefits in the period up to 2020 to justify the initial investment and that the utilisation of the pipeline post 2020 would be considered as part of the Project Transform PFI procurement process.

The heat line project was initially submitted as a bid to the Homes & Communities Agency (HCA), but was unsuccessful in the first tranche of funding. However, the project was on a reserve list of four, should further funding become available. Therefore, with the restricted timeframe it was proposed that a single tender negotiation under section F9 of the Council's Standing Orders, were used to appoint a Design and Build Contractor, to carry out the design and installation of the pipeline with an M & E Consulting Engineer who would oversee the project on behalf of the Council. The contractor and consultant would be commissioned on a full-risk fixed cost contract.

As part of the bid process, the Council gained assurance to the adequacy of the budget by obtaining two cost estimates. These were obtained from the Combined Heat and Power Association – a framework advisor for the HCA, and the other from a local consultancy. The contract for the Design and Build would be based on a full risk fixed-cost contract to mitigate the risk of cost creep. In addition, a contingency of 10% had been included in the funding application.

If timescales for project completion were extended, then a contractor and consultant would be procured through the Council's standard procurement procedures.

Phase 1 of the project would be to install a heat line from the Energy from Waste plant to Deasy Road at the costs stated within the report. Within the contractual agreement, if cost savings were realised and sufficient budget capacity allowed, it had been agreed that the contractor would continue to extend the pipeline further into the city centre as indicated in the Plans attached in Appendix 1 & 1a to the report.

Phase 2 of the project would be the extension of the heat line from the point of entry into the city centre and connection to the end users. In order to finance and deliver the connections to consumers and provide energy supply services as well as off-setting the risks of the scheme, the Council would therefore, procure an Energy Services Company (ESCO) who would provide the capital investment, install the additional infrastructure and provide the ongoing maintenance and services to serve existing and proposed developments in the city centre, which would include Coventry City Council, Coventry University, Coventry Sports Centre and potentially the new Sidney Stringer Academy.

A programme for the procurement of an ESCo was in place and would run concurrently to Phase 1 of the heat line project. Through soft market testing with ESCo companies, an expressions of interest had been received.

The Cabinet noted that the contract would only be secured on the proviso that funding was secured from the Department of Energy and Climate Change (DECC), that grant conditions were favourable and that a full-risk fixed price contract was agreed.

**RESOLVED that, after due consideration of the options and proposals contained in the report and matters referred to at the meeting, the Cabinet recommends that, subject to funding being secured from the Department of Energy and Climate Change, the City Council:-**

- 1) Approves the single tender negotiation under F9 of the Council's Standing Orders to appoint a contractor and consultant within the financial parameters detailed in the report.
- 2) Delegates authority to the Director of Finance and Legal Services and the Director of City Development to agree the final award of the single tender based on the affordability of the tender price obtained, the agreement of a fixed cost contract, the receipt of grant conditions that are acceptable to the Council and no change in the anticipated benefits of installation of the heat line.



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Scrutiny Board 1

5 August 2009

Cabinet

25 August 2009

Council

15 September 2009

**Name of Cabinet Member:**

Cabinet Member (Finance and Value for Money) - Councillor Foster

**Director Approving Submission of the report:**

Assistant Chief Executive

**Ward(s) affected:**

City-wide

**Title:**

Equality Bill: response to Government consultation on proposals for specific duties

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**Is this a key decision?**

No

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**Executive Summary:**

The Government is currently consulting on a set of specific duties to support better performance on the new Equality Duty as set out in the Equality Bill 2009 which is currently working its way through Parliament. The Equality Act will replace the current general equality duties and additional specific duties that are set out for public authorities in a range of equality legislation. This equality legislation includes nine major pieces of discrimination legislation, 100 statutory instruments and more than 2,500 pages of guidance and statutory codes.

The proposed specific duties set out in the consultation document, once agreed, will be set out in regulations which will accompany the new Equality Act and will apply to public authorities operating across Great Britain (including local authorities). These new specific duties will replace the current range of specific duties including those for race, gender and disability, which are complex and varied in their requirements and effectiveness. The new proposals cover a wider range of equality issues such as age and sexual orientation and socio-economic disadvantage. The proposals are simpler, more outcome focused, proportionate and less bureaucratic and allow for local determination of need.

The proposals in the consultation document are to be welcomed and they reflect the approach the City Council has been taking to equality issues for some time: identifying real equality

outcomes; promoting equality of opportunity for all (including addressing socio-economic disadvantage) rather than just focusing on a specified number of equality "strands"; and addressing equality issues in a practical and proportionate way through activity managed through mainstreaming service planning.

A detailed response has been prepared to the consultation and is set out in appendix 1, answering each of the 25 specific questions asked by the Government through this consultation exercise. If approved, this response will be sent by the City Council, with a covering letter welcoming the proposals, in time for the end of the formal consultation period on 30 September 2009.

**Recommendations:**

**Scrutiny Board 1** is recommended to consider the proposed consultation response set out in appendix 1 and convey their comments to Cabinet.

**Cabinet** is recommended to consider the proposed consultation response set out in appendix 1 and recommend it to Council for approval.

**Council** is recommended to approve the consultation response set out in appendix 1 and send it to Government as the council's formal response to the consultation on the specific duties for the Equality Bill.

**List of Appendices included:**

Appendix 1 - Draft response to the consultation on specific duties for the Equality Bill

**Other useful background papers:**

*Equality Bill: Making it Work – Policy proposals for specific duties* Consultation document published by the Government Equalities Office [www.equalities.gov.uk](http://www.equalities.gov.uk)

*A Fairer Future – the Equality Bill and other action to make equality a reality* published by the Government Equalities Office [www.equalities.gov.uk](http://www.equalities.gov.uk)

Coventry City Council Equality Strategy 2007-2010 [www.coventry.gov.uk](http://www.coventry.gov.uk)

**Has it or will it be considered by Scrutiny?**

Yes – Scrutiny Board 1 on Wednesday 5 August 2009

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – Council on Tuesday 15 September 2009

## Report title:

Equality Bill: response to Government consultation on proposals for specific duties

### 1. Context (or background)

1.1 Central Government is currently taking an Equalities Bill through Parliament which will replace the plethora of existing equality legislation with one Act. In addition to a general duty to promote equality, public authorities will also be subject to specific legislative duties which they will be required to undertake. This report sets out a proposed City Council response to the public consultation on proposals for specific duties that will be set out in new regulations that will be published to accompany the Equality Act.

### 2. Options considered and recommended proposal

2.1 The proposed response to the proposed specific duties is set out in appendix 1. The response is brief and largely positive and addresses each of the 25 questions asked through the consultation. Where the responses differ from the Government's proposals it is to recommend less prescription from central government so that priorities and processes are locally determined (questions 3,6 and 7) and to recommend that central Government departments should be subject to similar requirements as other public bodies (questions 22 and 23).

2.2 The Equality Bill currently going through Parliament when enacted will replace the current general equality duties and the additional specific duties set out for public authorities in a range of equality legislation which includes nine major pieces of discrimination legislation, 100 statutory instruments and more than 2,500 pages of guidance and statutory codes.

2.3 The new Equality Act will set out a single equality duty that will continue to cover race, gender and disability but will be extended to cover age, sexual orientation, religion or belief, pregnancy and maternity explicitly, and gender-reassignment in full – these are referred to in the Bill as “*protected characteristics*” or “*protected groups*”. In addition there will be a new public duty for public bodies to consider what action they can take to reduce socio-economic inequalities that people face in its strategic decision making. The Bill also stresses the importance of procurement and includes proposals for:

- banning age discrimination outside of the workplace;
- requirement for gender pay reports of employers with more than 250 employees;
- positive action in recruitment practice when choosing between two or more equally suitable candidates;
- women-only shortlists for political parties;
- strengthening the powers of employment tribunals;
- protecting carers from discrimination;
- stronger protection for breastfeeding;
- private members' clubs;
- further protection from disability discrimination in residential properties.

2.4 With the increased number of protected groups going to be identified in the new Act, coupled with the new socio-economic duty, there was a strong risk that public bodies would be asked to respond to all of these with additional schemes or required processes. It was expected that public bodies would be given specific duties that would require the production of a statutory single equality scheme with a range of specific requirements relating to all of

- 2.5 In fact the actual proposals for specific duties set out the consultation document “*Equality Bill: Making it work – policy proposals for specific duties*” are a breath of fresh air and genuinely try to take a more flexible, outcome focused and proportionate approach to delivering equality through public bodies' mainstream business planning rather than setting up additional process-heavy requirements to produce statutory schemes.
- 2.6 The proposals in the consultation document will reduce bureaucracy by removing many of the current requirements including the production of statutory Equality Schemes and associated processes that public authorities are currently required to undertake by law. It is proposed to replace the schemes with requirements for public bodies to identify equality outcomes and the steps proposed to deliver them and to publish and report on these regularly through mainstream business processes demonstrating outcomes and impact. There is also a proposed specific duty to take reasonable steps to consult and involve – in particular the protected groups that the duty is designed to deliver benefits.
- 2.7 These proposals are particularly welcomed because they support the approach to equalities that the City Council has already been taking for sometime - identifying key equality outcomes that relate to the council's overall objectives and the Local Area Agreement and reporting and managing these through the council's mainstream performance management system whilst bringing them together in one equality action plan and report which is overseen by the Cabinet Member responsible for equalities.
- 2.8 At the moment the City Council's approach also meets current equality legislation and so the council has separate equality schemes for race, gender and equality but brings these together into a single strategy and action plan. However the council also addresses other equality issues through its equality outcomes and equality strategy including sexual orientation and faith and issues of socio-economic inequality including disadvantaged neighbourhoods and disadvantaged groups like Looked After Children. The new proposed specific duties can be accommodated within the council's current arrangements and would mean that some of the council's current processes can be simplified.
- 2.9 It is believed that the proposals for specific duties may not be welcomed by some lobby groups, particularly those national groups who have not welcomed the proposed general equality duty and fear that this will dilute the attention paid to specific equality issues such as race and disability. It is understood that some lobbying groups and organisations may be keen to retain more of the current requirements and processes. Within this context the submission of a formal positive response to the Government's consultation is potentially more important than it might first appear.

### **3. Results of consultation undertaken**

- 3.1 There has not been time to consult widely on this issue before submitting this report to meet the council's and Government's deadline – this is a council response and not a partnership one. A cross-directorate group of officers responsible for equality issues have met to discuss the proposals and to produce the proposed response. The council's formal process for responding to Government consultation will mean that the proposals will be considered by Scrutiny Board 1, Cabinet and Council ensuring that all political groups will be able to influence any final response submitted to the Secretary of State.

3.2 Recent consultation with a wide range of local organisations on the council's Equality Strategy Action Plan for 2009/10 has shown that a high priority for many local groups is ensuring that the council consults and involves local groups and service users in the future design of services to ensure that diverse needs are met. This will be addressed by the council through its new Inform, Consult and Involve Strategy and would be supported by the proposed specific duty on consultation and involvement.

#### **4. Timetable for implementing this decision**

4.1 If approved the City Council's response will be sent to central Government to meet the consultation deadline of 30 September 2009. It is expected that the Equalities Act will be passed during this Parliamentary session and the draft regulations will be published for consultation once the Act is passed. It is the Government's intention for the new Equality Duty and the regulations to come into force in April 2011.

#### **5. Comments from Director of Finance and Legal Services**

##### **5.1 Financial implications**

There are no direct cost implications relating to the recommendations in this report. Although Coventry City Council already complies with many of the equality standards in the consultation, there may be cost implications once the final content of the Equality Bill become full legislation which will be addressed once that is known.

##### **5.2 Legal implications**

The Bill once in force would require the Council to review its service provision, premises, contracts and employment practices to ensure compliance with the requirements of the legislation particularly in relation to the new grounds of discrimination. There are a variety of remedies available for non-compliance with different parts of the legislation including judicial review, county court injunctions and Tribunal applications, which are similar to the private and public law remedies available at present. Possibly the biggest implication is the introduction of the new Public Sector Equality Duty which requires the Council to consider the needs of many disadvantaged groups within the community when delivering services including socio-economic groups, and if breached, the duty can be enforced via judicial review.

#### **6. Other implications**

##### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?**

The proposed specific equality duties for the new Equality Bill reflect the City Council's own approach to equality issues and so would support our corporate plan and our scorecard approach to performance management. The City Council has already identified a set of equality outcomes linked to the Coventry Local Area Agreement which will become a requirement under the new proposals.

##### **6.2 How is risk being managed?**

There has been no risk identified in submitting the proposed response to the consultation. If the new specific duties are adopted into statutory guidance the City Council will be required to adhere to them. As the current proposals reflect much of what the council is already doing there would be a relatively small risk that the council would not be able to comply with its

legal requirements. By submitting the proposed response the council would be helping to minimise the risk that the proposals are not adopted.

### **6.3 What is the impact on the organisation?**

There are no direct impacts on the City Council's organisation at this stage. If the proposed specific duties are adopted they would assist the council on its proportionate approach to equality issues and enable the council to streamline existing processes.

### **6.4 Equalities / EIA**

The proposed response in this report directly impacts on the council's responsibility under equality legislation. Under the new proposed specific duties public bodies would no longer be required to have statutory equality schemes or undertake equality impact assessments as currently required by law. The council would be required to consider equality issues as part of its decision making and to demonstrate in a transparent and accountable manner how it has taken into account evidence of the impact on equality in the design of key policy and service delivery initiatives, and what difference this has made.

### **6.5 Implications for (or impact on) the environment**

No impact has been identified.

### **6.6 Implications for partner organisations?**

Other partner local public bodies will also be required to meet the new specific equality duties and the City Council will continue to work closely with them on responding to equality issues and in co-ordinating consultation. The proposed specific duties will include a greater range of equality issues and groups and the emphasis on real outcomes rather than process will benefit local people.

#### **Report author(s):**

#### **Name and job title:**

Jenni Venn, Head of Corporate Policy and Research

#### **Directorate:**

Chief Executive's Directorate

#### **Tel and email contact:**

024 7683 3741 jenni.venn@coventry.gov.uk

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Surindar Nagra	Equality and Diversity Officer	Chief Executive's Directorate	20/7/09	20/7/09
Debbie Briggs	Equality and Diversity Officer	Chief Executive's Directorate	20/7/09	20/7/09
Ruth Nelson	Policy and Performance Officer	City Services	20/7/09	20/7/09
Laura Slegg	Equality and Diversity Officer	Children, Learning and Young People	20/7/09	21/7/09
Denise Wilcox	Procurement Advisor	Finance and Legal	20/7/09	20/7/09
Jenni Bailey	Regeneration Policy and Performance Officer	City Development	20/7/09	20/7/09
<b>Names of approvers: (officers and members)</b>				
Finance: Phil Helm	Finance Manager	Finance & legal	20/7/09	27/7/09
Legal: Gill Carter	Senior Solicitor	Finance & legal	20/7/09	24/7/09
Director: Jos Parry	Assistant Chief Executive	Chief Executive's Directorate	20/7/09	24/7/09
Councillor Kevin Foster	Cabinet Member (Finance and Value for Money)		20/7/09	21/7/09

This report is published on the council's website:  
[www.coventry.gov.uk/cmis](http://www.coventry.gov.uk/cmis)

**Appendix 1 – Draft response to the consultation on specific duties for the Equality Bill**

<p>RESPONDENT NAME:</p> <p>Coventry City Council</p>	<p>ADDRESS:</p> <p>Room 66 Council House Earl Street Coventry CV1 5RR</p>
<p>ORGANISATION</p> <p>Coventry City Council</p>	<p>DATE: 9 July 2009</p> <p>EMAIL: Surindar.nagra@coventry.cov.uk</p>
<p>CONSULTATION QUESTIONS</p>	<p>RESPONSE</p>
<p>Q1: Do you think the criteria set out above are the right ones? Please give your reasons.</p>	<p>We agree with proposed criteria. However it would be helpful to clarify in subsequent guidance what is a 'significant effect' and what is meant by 'unduly burdensome' with some examples to assist smaller organisations.</p>
<p>Q2: Are there any other criteria we should use? If so, what do you suggest?</p>	<p>The other criteria that could be used is: the inclusion of organisations receiving significant funding from a public authority (the amount to be determined) which also meet one of the other criteria to comply with the requirements of the equality duty.</p>
<p>Q3: Do you agree that public bodies should have a specific duty to publish equality objectives with reference to the relevant evidence and their wider general Equality Duty obligations?</p>	<p>Yes we agree and Coventry City Council already meets these requirements by publishing a set of equality objectives and outcomes which are clearly linked to the Local Area Agreement and Sustainable Community Strategy which we believe is good practice. The equality objectives should be locally determined based on the analysis of local need and should not be directed by individual Ministers.</p>
<p>Q4: Do you agree that public bodies should set out the steps they intend to take to achieve their equality objectives?</p>	<p>Yes, but it should be left up to individual bodies to determine how best to do this in order to mainstream into existing structures to avoid setting up a second reporting process.</p>
<p>Q5: Do you agree that public bodies should be required to implement the steps they have set out for themselves within the business cycle period unless it would be unreasonable or impractical to do so?</p>	<p>Yes we agree. This is the practice that has been followed by Coventry City Council for a number of years and ensures that equality outcomes are managed as part of mainstream performance management arrangements.</p>



<p>Q6: Do you agree that public bodies should be required to review their objectives every three years? If not, what time-period do you suggest instead?</p>	<p>We agree that three years sound like a sensible amount of time, but this does not need to be prescribed in legislation. Some organisations may have business cycles that mean that other time periods are more sensible for them</p>
<p>Q7: Do you agree that public bodies should set equality objectives taking into account priority areas set by the relevant Secretary of State?</p>	<p>We agree that public bodies should set equality objectives locally but these should not be directed by individual Ministers. In Coventry the Coventry Partnership has taken the approach of addressing equality issues through all its Local Area Agreement priorities and the City Council's equality objectives are also linked to the LAA. These directly relate to local and national priorities.</p>
<p>Q8: Do you agree that public bodies should not be required to set equality objectives in respect of each protected characteristic?</p>	<p>Yes we agree. Equality objectives should be set to respond to local circumstances and local priorities based on local needs and not necessarily address each and every protected group.</p>
<p>Q9: Do you agree that public bodies should be required to report annually on progress against their equality objectives, but that the means by which they do so should not be prescribed in legislation?</p>	<p>Yes we agree.</p>
<p>Q10: Do you agree that public bodies with 150 or more employees should be required to publish their gender pay gap, their ethnic minority employment rate and their disability employment rate? We would welcome views on the benefits of these proposals in encouraging public authorities to be more transparent.</p>	<p>Yes we agree. To promote equality of opportunity public bodies should be aiming to make their workforces as reflective of diversity of the population. The experience of the City Council has been that it is particularly difficult to collect accurate information about disabled employees as it relies upon employees self-identifying as being disabled – which many do not. Publication should be included in authorities' business reporting.</p>
<p>Q11: Do you agree with the proposal to use the overall median gender pay gap figure? Please give your reasons. If not, what other method would you suggest and why?</p>	<p>Yes we agree with using the median gender pay gap figures, In addition to the publication of the overall figure the figures should also be published for part time and full time staff separately to help identify where gender discrimination is happening.</p>

<p>Q12: Do you have any evidence of how much it would cost to produce and publish this information, and of what the benefits of producing and publishing this information might be?</p>	<p>Public authorities should already have information systems in place to capture information about gender and pay and the additional cost to produce this should therefore be small. The publication of this information should be included in business reporting.</p>
<p>Q13: Do you agree with the proposal not to require public bodies to report employment data in relation to the other characteristics protected under the Equality Duty? If not, what other data do you think should be reported on?</p>	<p>Yes we agree – although the Council collects information about sexual orientation and faith through its staff surveys and has data on age and publishes some of this data it does not believe there should be a further legal requirement to do this.</p>
<p>Q14: Do you agree with the move away from an emphasis on describing process, to requiring public bodies to demonstrate how they have taken evidence of the impact on equality into account in the design of their key policy and service delivery initiatives and the difference this has made?</p>	<p>Yes we agree. This is the right approach and we welcome this. Organisations have got to be proportionate in their response and should be concentrating on delivering better access to services and addressing diverse needs rather than having to undertake lengthy processes. Individual organisations should be able to decide how they can best report on progress in a way that is meaningful to local people.</p>
<p>Q15: Do you agree that public bodies should have a specific duty - when setting their equality objectives, deciding on the steps towards their achievement and reviewing their progress in achieving them to take reasonable steps to involve and consult employees, service users and other relevant groups who have an interest in how it carries out its functions - or where appropriate their representatives; and in particular take reasonable steps to consult and involve the protected groups for whom the duty is designed to deliver benefits?</p>	<p>Yes we agree that consultation and involvement is important and should be a specific duty. We welcome the words 'reasonable steps' as it would be difficult to reach everyone given the extended criteria of the Bill. This will also prevent consultation overload. It is the council's experience that, quite understandably, local people and communities are more interested in being consulted and involved in specific service design and initiatives than on equality schemes and plans. It is therefore more important that main-stream consultation exercises are inclusive and involve relevant protected groups than holding elaborate annual consultation exercises on schemes and processes.</p>
<p>Q16: Do you think that imposing specific equality duties on contracting authorities in relation to their public procurement activities are needed, or are the best way to help deliver equality objectives? Do you think such an approach should be pursued at this time?</p>	<p>Yes we agree. This is something that we have built into our policy and guidance on procurement.</p>

<p>Q17: Do you agree that contracting authorities should be required to state how they will ensure equality factors are considered as part of their procurement activities?</p>	<p>Yes we agree. Coventry City Council's Procurement Policy has incorporated this requirement for the current equality legislations and considers the impact through Cabinet reporting when seeking approval for contracts.</p>
<p>Q18: Do you agree that contracting authorities should be required to consider using equality-related award criteria where they relate to the subject matter of the contract and are proportionate?</p>	<p>Yes we agree, as long as there is a process in place for checking throughout the contract.</p>
<p>Q19: Do you agree that contracting authorities should be required to consider incorporating equality-related contract conditions where they relate to the performance of the contract?</p>	<p>Yes we agree</p>
<p>Q20: What would be the impact of a regulatory proposal aimed at dealing with suppliers who have breached discrimination law? What might be the benefits, costs and risks?</p>	<p>If a supplier is in breach of discrimination law it would most likely be that they would rectify the issues. It will also depend on the significance of the breach in relation to the contract. It might therefore be more relevant to build in requirements under the equality clause.</p>
<p>Q21: Do you support the proposal to establish a national equality standard which could be used in the procurement process? If so, do you believe this is achievable through a specific duty or is this better tackled through a non-legislative approach? Are there any practical issues that would need to be considered?</p>	<p>The cost involved to set a standard is a cost that is charged to the business. There is also a cost attached to assessing businesses against the standard.</p> <p>The Glover report on small to medium size enterprises (SME) reported that SME were not able to access Government opportunities because the tender process was too difficult and the cost to get on to the register also hindered them in taking up opportunities.</p>
<p>Q22: Which of the above four models do you consider achieves the best balance between joined-up working and senior accountability for equality outcomes, while avoiding unnecessary burdens? Please explain why.</p>	<p>To be consistent it should be annual reporting as identified in model 2 (relevant Secretaries of State reporting on progress on equalities as part of the Department's annual report ) and reporting on national government priorities as identified in model 1 (reporting every three years on the national equality priorities for the policy area). Central Government should have the same reporting requirements as other public bodies.</p>

<p>Q23: Do you have any other suggestions how this duty could be remodelled to retain the valuable features of senior accountability and joined-up working, whilst avoiding unnecessary burdens?</p>	<p>We suggest that at least every three years Government should produce a collective report on how each Secretary of State has made progress on Government's overall equality objectives.</p>
<p>Q24: Are there any specific requirements, other than those that we have proposed, which you think are essential to ensure that public bodies deliver equality outcomes in an effective and proportionate manner?</p>	<p>In the council's view it is essential for the equality outcomes to be about real outcomes and the activity that is undertaken every day - not about additional things. The specific duties should require that equality outcomes are linked directly to the real business of the organisations. For local public bodies on Local Strategic Partnerships outcomes could be linked to Sustainable Community Strategies and Local Area Agreements.</p>
<p>Q25: What role do you think the guidance from EHRC should play in helping public bodies implement the specific duties in a sensible and proportionate manner? What do you think it would be helpful for such guidance to cover?</p>	<p>The EHRC should provide simple guidance which will help those organisations who have under performed in this area. The guidance should not be overly prescriptive but give examples of how to interpret some of the subjective language in the duties for example setting out what 'proportionate' might mean. The guidance should also set out what evidence could be used by public bodies to determine their equality objectives and give good practice examples</p>



Coventry City Council

# 6a

## Briefing note

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**To**  
Cabinet

25<sup>th</sup> August, 2009

**Subject**  
Equalities Bill: response to Government consultation on proposals for specific duties

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### **1 Purpose of the Note**

To inform the Cabinet of the outcome of Scrutiny Board 1's consideration of this response at its meeting on 5<sup>th</sup> August, 2009.

### **2 Recommendation**

The Cabinet is asked to note that the Board fully supported the response and did not wish to put forward any additional points for consideration.

Corinne Steele,  
Scrutiny Co-ordinator,  
Chief Executive's Directorate,  
telephone 024 7683 1145

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A separate report is submitted in the private part of the agenda in respect of this item, as it contains details of financial information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it refers to the identity, financial and business affairs of an organisation and the amount of expenditure proposed to be incurred by the Council under a particular contract for the supply of goods or services.

Council

25<sup>th</sup> August 2009  
15<sup>th</sup> September 2009

**Name of Cabinet Member:**

Cabinet Member (City Development) – Councillor Ridley

**Director approving the report:**

Director of City Development and Director of Finance and Legal Services

**Ward(s) affected:**

St Michaels

**Title:**

City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009

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**Is this a key decision?**

Yes. Cabinet is asked to support the making of a Compulsory Purchase Order (CPO) for the acquisition of land and buildings to facilitate the comprehensive regeneration of Far Gosford Street and to refer the matter to Council for formal authorisation.

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**Executive summary:**

A Compulsory Purchase Order (CPO) is required to achieve comprehensive regeneration of the Far Gosford Street area in accordance with the Far Gosford Street development brief and Townscape Heritage Initiative (THI). Land and property to be included in the Order is located within or close to Sites 1 to 7 on Map 1. A scaled map (the Order Map) showing the actual boundaries of the property interests to be acquired will be displayed at your meeting.

All other options have been exhausted and there is now a strong financial, legal and Planning justification for this course of action, including the allocation of funding and the appointment of a development partner, Complex Development Projects Ltd (CDP). Failure to act now could risk the loss of substantial regeneration funding awarded to the scheme. If the City Council resolves to make a CPO and objections are received from the property interests affected, a Public Inquiry will be required. If the Secretary of State confirms the Order, the Council will be empowered to acquire the affected properties over a period of three years. After this period, should the Council choose not to exercise the acquisition of any of these properties, the CPO will expire. After acquisition by the Council, the properties will immediately be transferred at the same value to CDP.

Two types of property are covered by the Order: historic properties and new developments. For the historic properties, grant funding is already in place. The legal agreement between CDP and the City Council contractually binds CDP to acquire these properties where the current owners have not proceeded with restoration, and to undertake all the necessary restoration works. This provides certainty that the historic properties will be restored, subject to confirmation of the Order. For new developments, viability calculations have not yet established the precise level of grant funding required (if any). In these cases CDP will become contractually bound when these have been completed and grant funding agreed. In most cases, this is expected to happen before the CPO Inquiry. On confirmation of the CPO, a legal agreement between CDP and Advantage West Midlands (AWM) will impose a profit cap on CDP that will convert excess profit on the profitable components of the new developments into grant to subsidise the unprofitable components of the new developments.

The acquisition process and legal agreements between the three parties will ensure that there is no risk of the Council being left with properties that cannot be sold on to CDP.

The temporary cost of the acquisition of properties by negotiation in advance of CPO and the holding of these will be met by CDP.

'Back to back' conveyancing processes will ensure there is no delay between the acquisition of properties by the Council and their subsequent re-sale to CDP, thus eliminating any holding costs.

#### **Recommendations:**

- 1.1 Cabinet are requested to support the making of a CPO and to refer the matter for consideration to the City Council on 15<sup>th</sup> September 2009 with the following recommendations:
- 1.2 Authorise the making of the City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009 ("the Order") under Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 in respect of the lands coloured pink on the plan marked "Map referred to in the City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009" displayed at the meeting.
- 1.3 Authorise the Director of City Development and the Director of Finance and Legal Services to advertise the Order and submit it to the Secretary of State for Communities and Local Government in accordance with the Acquisition of Land Act 1981 and to take all necessary steps to secure the confirmation and implementation of the Order, including, if necessary, presentation of the Council's case at public inquiry.
- 1.4 Agree that, notwithstanding the previous recommendations, attempts continue to be made to acquire the land interests by agreement in accordance with Government Circular 06/2004.
- 1.5 Agree the Statement of Reasons For Making the Order, which is attached as Appendix A, and summarised in paragraph 2.2 and agree the schedule of interests to be acquired set out in Appendix B.

#### **List of Appendices included:**

Site location plan

Government guidance requires the following documents to be agreed by the Council:

Appendix A – Statement of Reasons  
**Other useful background papers:**

<b>Paper</b>	<b>Location</b>	<b>Contact</b>
Far Gosford Street Development Brief Jan 07	Web site or CC4 5.03	Andy Duncan 024 76831354
Far Gosford Street Regeneration Strategy Aug 04	CC4 5.03	Andy Duncan 024 76831354
Previous relevant public reports dated 10/3/09, 4/9/08, 4/12/07, 8/2/05	Web site	Lara Knight 024 7683 3237

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes 15<sup>th</sup> September 2009



**Report title:**

City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009

**1. Context (or background)**

- 1.1 Far Gosford Street is a run-down but historic Conservation Area and defined Local Centre on the edge of City Centre. It provides a major regeneration opportunity and in July 2005 the area was designated a Townscape Heritage Initiative and awarded £1.7m of Heritage Lottery funding (THI) for historic building restoration to begin the regeneration process. In September 2005 Cabinet agreed in principle to use Compulsory Purchase powers, if required, to facilitate the area's comprehensive regeneration in accordance with the THI and Development Brief adopted as Supplementary Planning Guidance by Planning Committee on 13<sup>th</sup> July 2006 (amended January 2007). In December 2007 Cabinet agreed to appoint a development partner, Complex Development Projects Ltd (CDP), after a competitive selection process, and the Regional Development Agency, Advantage West Midlands (AWM), have endorsed an outline application to invest £40m in the City Centre over the next 15 years. This includes Far Gosford Street as a priority and is being used to help assemble land and gap fund new development. AWM have already invested £3.0m on land and property acquisition, historic property restoration and fees.
- 1.2 Before the Compulsory Purchase Order can be formally confirmed, the Secretary of State must be satisfied that there are no planning or financial barriers to the scheme. To this end, applications for full planning consent are being prepared for Sites 1, 2, 4 and 5 on Map 1, which are expected to be determined before the CPO Inquiry. Full consent for Site 3 has been granted. Depending on the outcome of viability assessments, full AWM grant applications will be submitted for each phase of development as they come forward, if such funding is necessary. This will be done before the CPO Inquiry.

**2. Options considered and recommended proposal**

- 2.1 Several courses of action are in hand to deliver comprehensive regeneration and avoid or reduce the need for CPO:
- a) *The designation of Far Gosford Street as a Townscape Heritage Initiative* and the use of Heritage Lottery funding to refurbish historic properties through grants to property owners. This is beginning to make an impact, but, on its own, will not achieve comprehensive regeneration because of lack of grant take-up by some property owners and the fact that THI grant cannot be used to gap fund the assembly and development of vacant and derelict sites.
  - b) *The use of Town & Country Planning Act, Conservation Area and Listed Building powers* to force owners to rectify unauthorised alterations and to improve the external appearance of properties. These powers are being used, but are limited to the correction of previous planning breaches and do not represent significant investment.
  - c) *The use of Council owned land for development.* Where City Council owned land (including highway land) is available, this has been identified and earmarked for disposal to CDP as part of a site assembly package. As a condition of AWM funding, Cabinet has already agreed to recycle some of the receipts generated by this into the project. However, without further assembly of private land and property, no single site is large enough for a viable development project.

- d) *Acquisition by negotiation.* Government guidance requires that every effort is made to acquire properties by negotiation in advance of CPO. These negotiations have been taking place with owners, leaseholders and tenants for over two years and will continue alongside the CPO process. If negotiations prove successful during the CPO process, these properties will be withdrawn from the CPO.

2.2 Compulsory Purchase powers are sought under Section 226(1) (a) of the Town and Country Planning Act 1990 for the following reasons:

- a) A developer is in place, supported by a legal agreement signed by both parties that will be activated upon Council approval of this report.
- b) All parties affected by the proposals have been formally referenced and are aware of the CPO proposals.
- c) The properties to be acquired and businesses to be relocated or extinguished have been identified and it is estimated that, were all properties and interests to be acquired, the total site assembly budget would not exceed £3.76m., including fees and contingencies. Further details are set out in the private report elsewhere on your agenda.
- d) AWM has endorsed a £40m funding proposal to invest in the City centre over the next 15 years to help deliver schemes that are identified as a priority for the City Council. Far Gosford Street is one of these priorities and full funding applications will be submitted to AWM when detailed site development costs are known. Every effort will be made to secure full funding approvals before the CPO inquiry.
- e) A development brief approved as Supplementary Planning Guidance is in place and the necessary planning consents are expected to be in place in time for the CPO inquiry
- f) AWM have pledged a contribution of up to £110,000 towards the estimated £150,000 CPO inquiry fee costs, subject to written confirmation following Council decision to request a CPO.
- g) CDP Ltd has already demonstrated its commitment to this project by investing £1.77m. in the refurbishment of two prominent groups of historic buildings already in their ownership and a proposed new 6,000 sq ft business office building on Council owned land. CDP have also spent £750,000 acquiring adjoining derelict land and securing planning consent for residential development.
- h) AWM has demonstrated its commitment to the project by investing £1.44m. of gap funding in CDP's historic building refurbishment project and by acquiring the Far Gosford Street industrial estate at a cost of £1.2m. and by committing a further £0.25m. to refurbish the industrial estate as a creative business quarter (Fargo Village).
- i) £1.5m of THI funding is already spent or committed on the refurbishment of historic buildings and an application for a further £1m of European funding is expected to be approved in time for your meeting, providing a grant fund of £2.5m for historic property restoration.
- j) Every reasonable attempt has been made to agree the acquisition of properties or to secure the refurbishment of key historic properties by negotiation.
- k) THI and AWM grant funding already secured or pledged is time limited. Further delay will result in the loss of grant funding
- l) The CPO will promote the economic and environmental well-being of the Conservation Area.

2.3 A Compulsory Purchase Order is required to ensure historic buildings can be refurbished in accordance with the THI plan and to ensure that land can be assembled at market value and vacant possession delivered to give some certainty that comprehensive regeneration can occur. Only after a CPO is confirmed can the Council's partners, AWM and CDP, enter into the necessary contractual commitments to finance and deliver the projects. The Order includes all outstanding private sector property interests within the development area.

- 2.4 Failure to make the Order could trigger the withdrawal of both the developer and AWM. Delay in making the order could result in the loss of AWM funding and the consequent withdrawal of the developer. Further delay could also jeopardise some of the £2.5m of THI and European investment in historic buildings, because this must be spent by March 2012 or be lost.
- 2.5 The legal agreement between CDP and the City Council compels CDP, subject to conditions being met, to undertake the restoration of all historic properties in the Order because grant funding is already in place. In these cases, the grant will be transferred from the current owner to CDP with the consent of the THI funder, Heritage Lottery Fund, who have confirmed that this can be done.
- 2.6 The legal agreement also requires CDP to undertake the new developments once financial viability has been established, whether or not AWM grant is required. The viability of the developments (e.g. sites 1, 2, 4 and 5) will be determined by CDP and AWM before the CPO Inquiry and will include CDP's ability to finance their contribution. A legal agreement between CDP and AWM will profit-cap the profitable sites, recycle surplus profit into the unprofitable sites and contractually link CDP to a comprehensive approach. This approach will prevent 'cherry picking' of profitable developments by CDP, and deliver a comprehensive regeneration package in difficult market conditions. If viability cannot be established, the Council is not obliged to acquire.
- 2.7 The Far Gosford Street Conservation Area is exempt from the usual EU State Aid restrictions under a historic buildings and Conservation Areas exemption negotiated by Heritage Lottery.

## **2.8 Recommended Proposal**

- 2.8.1 It is therefore recommended that a CPO is implemented.

## **3. Results of consultation undertaken**

- 3.1 The possibility of a Far Gosford Street CPO has been in the public arena since 2005, when Cabinet first resolved to use CPO powers in principle, if required. Public consultation on the Far Gosford Street regeneration framework (which shows how the area can be comprehensively improved) took place in 2004 through stakeholder interviews, community street audits, a sample resident survey, interviews with all business, focus groups, a shopper survey and an email, freepost and telephone hotline.
- 3.2 The process of adopting the Conservation Area Appraisal and Control Plan as Supplementary Planning Guidance (SPG) involved circulating the documents to over 100 city organisations and holding a series of drop-in sessions in a vacant unit on the street to which all local residents and businesses were invited by leaflet or personal invitation. The documents were amended in light of responses before being recommended for adoption. This is a legal requirement of SPG process.
- 3.3 The Far Gosford Street Regeneration Partnership, which meets quarterly, was established in 2005 to represent the interests of all stakeholders, including property owners, leaseholders and tenants. The Partnership has been fully briefed throughout the regeneration process and supports the approach proposed, including the use of compulsory purchase, if required.

- 3.4 The process of negotiating historic property grants with many of the freeholders, leaseholders and tenants listed in the private report has occurred over the past three years. Throughout these negotiations, the possibility of CPO has been mentioned, should a situation arise where agreement cannot be reached.
- 3.5 The need to displace and relocate residential owners or tenants will be minimised by arranging for them to remain in their property while refurbishment takes place and, wherever possible, offering displaced business tenants alternative accommodation in the street or elsewhere.

#### **4. Timetable for implementing this decision**

4.1 Key dates for the successful delivery of the CPO are as follows:

- Confirmation of AWM's contribution to the CPO legal costs: October 2009
- Serving of Notices: November 2009
- Submission of the CPO to Secretary for Communities and Local Government: December 2009
- Possible Public Inquiry Procedure: earliest February 2010, latest July 2010
- Confirmation of CPO: August 2010
- Obtaining title from October 2010 onwards
- Sale of land to Complex Development Projects Ltd: November 2010 onwards

4.2 The above timescales are largely dependant on the performance of the Secretary of State, but are based on past performance of other CPOs. If any of the developments require AWM gap funding to be viable, the sale of land to CDP will take place after full gap funding contracts are in place, but the Council will not acquire until this is confirmed.

#### **5. Comments from Director of Finance and Legal Services**

##### **5.1 Financial implications**

- 5.1.1 The estimated value of the interests to be included in the CPO is set out in your private report. The Council has only limited information about individual property and business interests on which to base compensation estimates. Nonetheless, the estimates assume the worst case scenario and are based on total extinguishment of all interests and includes all professional fees and a 10% contingency. In reality, Sites 3 and 4 are likely to proceed without the need for CPO and others will be acquired by negotiation.
- 5.1.2 The costs of acquisition by negotiation will be met by CDP, thus protecting the Council from this financial risk. The full costs of acquisition by CPO will initially be met by the Council as the Acquiring Authority, but the properties will be transferred immediately to CDP at the same price. CDP will meet the Council's fee costs. 'Back to back' conveyancing processes for acquisitions by the Council and the subsequent sale to CDP will eliminate the need for Council borrowing.
- 5.1.3 The CPO process and legal agreements between the three parties will ensure that the Council will not be required to acquire property interests until CDP is contractually obliged to purchase them, removing any permanent financial cost to the Council.
- 5.1.4 It is likely that a CPO inquiry will be required, the legal costs of which are expected to be approximately £150,000. This cost will be met by Advantage West Midlands up to a limit of £110,000, the balance being provided by City Development's City Centre enhancements

budget for 20010/11. Surveyors' fee costs for acquisitions are included in the acquisitions estimates in your private report.

## 5.2 Legal implications

5.2.1 The making of this Order follows the statutory process set down in the Acquisition of Land Act 1981, as amended by the Planning and Compulsory Purchase Act 2004.

5.3.2 The enabling power in S226 (1) (a) Town and Country Planning Act 1990 (as amended) is being used as, by resolving to make this Order, the Acquiring Authority believes the scheme will improve the economy and environment of the Far Gosford Street area. Accordingly, the Acquiring Authority believes that there is a compelling case in the public interest to make the Order, which outweighs the loss of the private sector landholdings. In this case, the Acquiring Authority considers that the resolution to make the Order does not breach the Human Rights Act.

## 6. Other implications

### **6.1 How will this contribute to achievement of the council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?**

6.1.1 The comprehensive regeneration of the Far Gosford Street area will transform a run-down quarter of the city centre into a thriving business and residential community, generate jobs, improve the environment, attract investment and visitors from outside the city. This contributes to the following core aims: a prosperous Coventry; making Coventry an attractive and enjoyable place to be; making places and services easily accessible; encouraging a creative, active and vibrant city; improving the environment and tackling climate change.

### **6.2 How is risk being managed?**

6.2.1 It is possible that some occupants could serve a statutory Blight Notice, which would compel the Council, as Local Planning Authority, to acquire their respective interests. This would occur after the Order has been submitted to Department of Communities and Local Government for confirmation, but is open to challenge by the Council. Therefore, there remains a risk that the Council could be compelled to acquire some or all of the qualifying properties and, either the CPO is not confirmed, or the scheme does not proceed. If this happens, the CDP/ City Council legal agreement requires CDP to immediately acquire the properties from the Council, regardless of viability or funding and to indemnify the Council on each notice prior to the Council accepting the Blight Notice. After purchase, if the proposed developments then did not proceed, CDP would offer the properties back to the original freeholders and the ground lessee and, if they did not wish to repurchase, the properties would be re-let or sold.

6.2.2 It is a pre-requisite to a successful CPO that negotiations should continue with owners to assemble land without the need for CPO. Failure to do this could increase the risk of the CPO not being confirmed. This risk is being minimised by Council officers providing full support to the owners of historic properties throughout every stage of the planning, financing, contracting and implementation process and by CDP negotiating to acquire properties.

6.2.3 The Director of Finance & Legal Services has approved CDP's financial status.

- 6.2.4 All grant funding for the restoration of historic properties has been or will have been contractually secured by the time of your meeting. However, because of the outstanding need to secure planning consents and subsequently to prepare viability appraisals for development sites before any required AWM grant can be contractually confirmed, there remains a risk that some new developments with a viability gap may not proceed. If this is seen by the Inquiry Inspector as a failure to achieve comprehensive regeneration, this could undermine the Council's case for CPO at Inquiry. This risk is being addressed in advance of the Inquiry by the submission of full planning applications and grant applications for Sites 1, 2 and 5 on Map 1 and this risk is expected to be considerably reduced by the time of the Inquiry.
- 6.2.5 There is a risk that the City Council will consider other City Centre projects to be a higher priority than Far Gosford Street and fail to agree the allocation of further AWM funding. This risk is low, because Far Gosford Street has already been agreed as one of five top City Centre priorities and the project is very well advanced and therefore more deliverable than many others.
- 6.3.6 A change of central government could lead to a review of resources available to AWM in the future. This risk is out of the Council's control, but can be mitigated by working to ensure that any grant funding is contractually committed by early 2010.

### **6.3 What is the impact on the organisation?**

- 6.3.1 The CPO process and public inquiry will generate additional work for City Development Directorate and Finance & Legal Services Directorate. This will be absorbed within existing budgets & staff resources.
- 6.3.2 The City Council will not be left holding any assets as a consequence of implementing the CPO and any holding costs between acquisition and onward disposal to CDP will be minimal.

### **6.4 Equalities / EIA**

An equalities impact assessment carried out for the Far Gosford Street regeneration project in 2008 concluded that the project is improving opportunities for residents and businesses representing over 40 different nationalities living or trading in the area.

### **6.5 Implications for (or impact on) the environment**

The impact will be positive by re-using derelict land and reducing the carbon footprint by improving energy efficiency of old buildings. It is a condition of AWM funding that new buildings are designed to BREEAM (the Buildings Research Establishment Environmental Method) very good standards. The project will also significantly improve the street scene.

### **6.6 Implications for partner organisations?**

The Far Gosford Street and Charterhouse neighbourhoods will be improved. The project will help deliver the regeneration objectives of partner organisations Advantage West Midlands, the Coventry Partnership and the Coventry, Solihull and Warwickshire Partnership (CSWP). The project will also help to deliver the objectives of the crime and community safety partnership.

**Report author(s):**

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## **Appendix A – Statement of Reasons**

### ***City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009***

#### ***Statement of Reasons for making the Order.***

##### ***1.0 Background & Context***

- 1.1 Far Gosford Street is a designated Conservation Area containing 13 buildings on the Statutory List of buildings of architectural or historic interest with a further 11 buildings on the Local List (non-statutory). It is also a defined Local Shopping Centre in the Coventry Development Plan (2001). In 1984 the construction of Sky Blue Way A 4600 created a barrier between Far Gosford Street and the Hillfields community to the north, making it more difficult for Hillfields residents to access local services in Far Gosford Street. This has hastened the street's gradual economic decline and opened up an unattractive frontage onto a busy and high profile transport corridor close to the City Centre.
- 1.2 A regeneration strategy was prepared by Colin Buchanan & Partners (with Donaldsons) in 2004 in close consultation with local stakeholders. This recommended a Regeneration Framework and Action Plan that was adopted by the Council's Cabinet in 2005. The physical components of the action plan were expressed in a development brief and Conservation Area Control Plan that were approved as Supplementary Planning Guidance by the Council's Planning Committee in 2007, following further public consultation. The physical action plan essentially comprises three integrated elements: restoring historic buildings; upgrading the public realm, and; new development on gap sites and vacant/ derelict land. The Far Gosford Street industrial estate has since been earmarked as a location for the development of a creative business quarter.
- 1.3 The action plan led to the designation of the Conservation Area as a Townscape Heritage Initiative (THI) in 2005 and the award of £1.7m of Heritage Lottery funding to help meet the 'conservation deficit' cost of restoring the street's historic fabric. Since then, THI grants have been awarded that have triggered the refurbishment of 12 buildings and the construction of one new building on a derelict gap site. In order to address a shortfall in the THI property grant fund, a further application for £1m. of European Regional Development Fund grant is expected to be approved in August 2009.
- 1.4 Much of the public realm works have now been completed. These include making the street one way, widening the pavements, new highway surface materials, designated bays for on-street parking, new street furniture, bus shelters, and the extension and improvement of a public square at the top of the street. Subject to the outcome of the CPO and the success of funding applications, further public realm works are planned to improve the setting of the new developments. These will include 'civic' trees and 'green walls' on the Sky Blue Way frontage to replace those lost to new developments, a signed cycle route along Sky Blue Way to link Gosford Green with Gosford Street, lighting improvements, more CCTV cameras and a pedestrianised environment at the Lower Ford Street spur that encourages pedestrians using the Sky Blue Way crossing to enter Far Gosford Street instead of using Sky Blue Way.
- 1.5 In order to realise the development opportunities and complete the historic buildings restoration fund, a development partner, Complex Development Projects Ltd (CDP), was recruited in open competition in 2007. In 2008, the West Midlands Regional Development Agency, Advantage West Midlands (AWM), agreed an outline application for an indicative £5m. of investment in Far Gosford Street as part of a wider plan to regenerate Coventry City Centre. This funding is to be drawn down in stages via a series of full grant



applications. A full application for £1.4m has already been approved and work is well underway for a mix of historic buildings restoration and new development on land already in CDP's ownership.

- 1.6 In order to establish the creative business quarter, in early 2009 AWM completed the acquisition of the partly vacant Far Gosford Street Industrial Estate (Site 7), with a view to establishing it as Coventry's primary location for creative enterprises.
- 1.7 Due to ownership issues, other sites identified cannot be brought forward for new developments or refurbishments until property acquisitions are agreed, either by negotiation, or by CPO.
- 1.8 Appendix A contains masterplan drawings and illustrations of the proposed development package. If this can be delivered comprehensively, the package is estimated to create 205 new jobs, safeguard 90 jobs, create 33 new businesses, lever £33m. of private sector investment and restore 60 historic buildings and facades.

## **2.0 Description of the Order Lands, Location and Present Use**

- 2.1 The Order Lands comprise the individual parcels shown on Map 1 and listed in the Schedule of Interests. The buildings are in retail, residential and leisure use, being predominantly terraced ground floor commercial users with residential, storage or office use at first and, as appropriate, second floor level. Many of the upper floors are vacant or underutilised. All Lands are required to achieve the comprehensive restoration of historic buildings to a consistent standard and to achieve the cohesive design of new development on derelict, vacant and surplus land in accordance with the approved development brief by a single architect. The Council's development partner will lead the refurbishment and redevelopment of the properties in accordance with the brief.
- 2.2 This approach will allow cross-subsidy between new development opportunities and historic property restoration. It will also lever public sector gap funding and ensure that this is used in the most efficient way possible. This is important because the refurbishment of historic properties, in isolation, is uneconomic .
- 2.3 Some of the historic buildings are in need of considerable repair and refurbishment. Some of the building restoration and new development projects already have full Planning and Conservation Area consent and, as appropriate, Listed Building consent. All the others are in the process of preparation, submission and approval. However, due to ownership issues, construction cannot proceed without acquisition, either through negotiation or CPO.
- 2.4 Full details are contained in the Schedule of Interests, which is annexed to the Order but in summary, brief details are as follows:
  - 2.4.1 Site 1 (18-21 Far Gosford Street): This comprises a Council owned pay and display car park to the rear of 18-21 and two privately owned single storey brick built lock up shops at 18-21 in A1 and A3/A5 use, built in 1925.
  - 2.4.2 Site 2 (31-34 Far Gosford Street and land r/o 29-30 Far Gosford Street and 146 Lower Ford Street): These are privately owned shops in A1 uses on the ground floor, apart from 31, which is in A3 use, with a mix of commercial and residential uses on the upper floors; 31 is a much altered timber framed building of unclear date; 32 and 33 are statutorily listed timber framed buildings of the 15th or 16th century; 34 appears to be a 19th century brick building but its size and form again suggest a timber framed origin. The properties have an inappropriate but functional corrugated asbestos sheet roofs. 31 is in A3 use and

32-34 are in A1 use and all are occupied. Land to the rear of 29-30 Far Gosford Street and 146 Lower Ford Street is in use as private rear yards, gardens and amenity space.

- 2.4.3 Site 3 (36-41 Far Gosford Street) 36 is a vacant, cleared site with planning consent for small shops and residential above that has changed ownership twice in two years. 37-40 are vacant buildings in serious structural condition formerly in A1 ground floor use with residential above, in two separate ownerships. 38-40 are statutorily listed timber framed buildings which are a high priority for restoration and have full Conservation Area and Listed Building consent for restoration to A1 use at ground floor and residential above. 41 was formerly integral to 38-40 and is locally listed but lost its timber framed front in the 19th century.
- 2.4.4 Site 4 (58-60 Far Gosford Street): This comprises two vacant shops and a former builder's yard to the rear in poor overall condition. Number 58, which is now propped up, has an unoccupied flat over at first floor level, whereas 59/60 is single storey. Number 58 has no roof and is semi derelict, but represents the surviving street-fronting portion of a former row of court dwellings known as Victoria Place built in 1839. Numbers 59-60 were formerly two storeys but now comprise a derelict single storey shop, which was formerly a tailors.
- 2.4.5 Site 5 (65-72 Far Gosford Street): This comprises a parade of six statutorily listed three storey mid 19<sup>th</sup> century former weavers houses (67-72) with second floor "top shops" and part of the Gosford Arms garden (65-66). 67 is in A5 use, 68, 69 and 72 are vacant former shops (A1) with the upper floors in residential use, 70 is a vacant former shop and 72 is in A2 use without planning consent. The whole block is in poor overall condition. With the exception of the residential uses, all other upper floor space is vacant and in poor structural condition.
- 2.4.6 Site 6 (adjoining 101 Far Gosford Street): This is a hard standing used as car parking for 101 Far Gosford Street, currently in use as offices for a charity.
- 2.4.6 Site 7 (Unit 1 Far Gosford Street Industrial Estate): This is a modern, purpose built retail warehouse with a mezzanine floor (Unit 1).

2.5 All the properties except Sites 6 & 7 are on the northern side of Far Gosford Street approximately 800 yards (732 metres) east of the Council House in the city centre. The Ordnance Survey grid reference is SP3478NW.

### **3.0 The use of the Enabling Power**

- 3.1 Compulsory Purchase powers are sought under S226(1)(a) of the Town and Country Planning Act 1990, as amended by S99, Planning and Compulsory Purchase Act 2004 to promote the economic and environmental well being of the area. As detailed below, the land and properties are required in order to redevelop or partially redevelop three sites and to refurbish historic properties on the remaining sites.

### **4.0 The Authority's Purpose in seeking to Acquire the Land.**

- 4.1 The use of Compulsory Purchase powers is now considered necessary, as attempts to persuade some property owners to refurbish their properties with the benefit of grant assistance are making little or no progress. Further delay will see the properties deteriorate further to the detriment of the street as a whole. 38-40 Far Gosford Street has already suffered a structural collapse. The acquiring authority considers that all possible measures must be taken now to prevent this happening elsewhere in the street, particularly as some of the properties are listed and all are situated within the

Conservation Area. Furthermore, Heritage Lottery and European funds must be spent by March 2012 and the offer of Regional Development Agency funding must be taken up to realise the identified development opportunities within the same timescale. Any further delay could risk the loss of grant which could trigger the subsequent withdrawal of the developer, CDP.

- 4.2 The land and property must now be acquired if the development of sites and refurbishment of properties is to proceed comprehensively in accordance with the development brief. Moreover, although the overall development and refurbishment proposals are uneconomic without public sector grant, some of the development opportunities (e.g. Site 1) could yield a profit. If the sites are brought under a single ownership, this will be used to cross-subsidise the redevelopment of unprofitable sites, thus minimising the public sector grant requirement.
- 4.3 The Council's development partner, CDP, will act as the 'developer of last resort' for the City Council and main funding partners, Advantage West Midlands and Heritage Lottery, should negotiations with individual owners break down. This means that, if all efforts to secure the refurbishment of historic properties and the development of vacant sites with the current owners through negotiation have failed, CDP will undertake this work on the Council's behalf within the required time scale necessary to retain allocated grant funding. This will also enable the scheme to be undertaken comprehensively as a single package, using a consistent team of architects appointed by the developer, thus providing a consistent and unified design approach.
- 4.4 The proposed historic property restorations and site redevelopments will deliver the regeneration action plan and development brief in the timescale required by:
- providing a 'landmark' development at Site 1 with one or two high profile 'anchor' tenants
  - maximising the development of vacant, derelict and neglected land
  - complete the comprehensive refurbishment of historic properties in Far Gosford Street Conservation Area
  - bring vacant space in historic buildings back into economic use
  - building on and reinforcing previous investment in the public realm
  - establishing a creative business quarter at the industrial estate, thus diversifying the area's economic base and therefore its long term stability by introducing a wider range of business uses
  - further diversify the area's economic base by providing new small business accommodation at Sites 2 and 5
  - introduce high quality residential accommodation in refurbished historic properties and new build
  - address the derelict appearance of the Sky Blue Way frontage by creating an active and attractive frontage on the prominent A4600 route into Coventry City Centre

## **5.0 *The Authority's Justification For Compulsory Purchase***

- 5.1 The third party interests in the Order Lands mean that neither the Council nor CDP are in a position to progress the redevelopment of the sites and the refurbishment of the buildings. Ongoing negotiations with property owners since 2005 have highlighted a variety of obstacles: the inability of property owners to finance their required contribution; unrealistic expectations concerning land purchase price and/ or the grant settlement; frustration with the Townscape Heritage Initiative grant application process and information requirements; frustration with the Conservation Area and Listed Building consent process; lack of project management expertise or experience, and; disputes with architects. Only those sites and properties considered to be a priority have been included within the Order and those that proceed through negotiation will be withdrawn.

- 5.2 In accordance with circular 06/2004, negotiations to acquire the outstanding interests by agreement will continue with the individual owners and occupiers. However, compulsory purchase powers are sought to enable the proposals to be brought forward and completed within the available THI budget and timescale. With the benefit of compulsory purchase powers, the scheme will have certainty in its programming and should enable the works to be completed by the grant deadline of March 2012. With the agreement of the Heritage Lottery, this deadline has already been extended once until March 2011 and negotiations are in hand to extend it again to March 2012.
- 5.3 Subject to the CDP's financial viability appraisals, agreed with Advantage West Midlands, it is expected that the combination of private investment and grant funding will facilitate the comprehensive refurbishment of all the target historic buildings and the realisation of most of the development opportunities in the brief. The Acquiring Authority does not believe that the regeneration action plan and development brief can be comprehensively delivered within the timescale or within the available resources by individual owner negotiation alone.
- 5.4 The Acquiring Authority believes the following reasons support the case for compulsory purchase:
- 5.4.1 Properties have been changing hands without undergoing any investment or improvement, requiring property grant negotiations to be re-started with the new owners, new architects appointed and grants re-negotiated.
- 5.4.2 Not enough property owners have agreed restoration projects by negotiation to spend all the available THI and ERDF grant funding in the required timescale and this funding is not eligible to be spent on the development of vacant sites. Furthermore, the prospect of a comprehensive approach through a development partner has attracted considerable additional AWM funding for the development of vacant sites and on the establishment of a creative business quarter.
- 5.4.3 The Council's agreements with Complex Development Projects Ltd and AWM are conditional upon the use of compulsory purchase powers.
- 5.4.4 The new development opportunities all require site assembly and a comprehensive approach to design and construction. This will save money through economies of scale and create a more strategic and unified design approach.
- 5.4.5 The scheme also allows for the refurbishment and development of key historic properties through a unified and consistent design approach.
- 5.4.6 New development opportunities at Site 1 are expected to generate value which can be used to cross subsidise new developments at Sites 2 and 5.
- 5.4.7 CDP has considerable experience of refurbishing listed buildings and regenerating historic areas, but cannot continue whilst the sites remain in fragmented ownerships.
- 5.4.8 Realisation of development opportunities on the Sky Blue Way frontage helps to deliver the regeneration action plan. This cannot be controlled effectively by individual owner negotiation.
- 5.4.9 The scheme allows small business accommodation for creative businesses to be planned and delivered comprehensively, both in the proposed creative business quarter at the

industrial estate and in other locations through the use of vacant space in historic buildings and new developments.

- 5.4.10 The Compulsory Purchase Order will reduce the the risk of a "pepper pot" approach where some owners participate in the grant scheme and others do not, leaving some areas incomplete.
- 5.4.11 AWM gap funding has been earmarked on the basis of a comprehensive approach that has the best chance of delivering the required jobs, business and private investment targets. Failure to agree a CPO could threaten AWM funding.
- 5.4.12 It is estimated that the CPO will help deliver 205 new jobs, safeguard 90 jobs, create 33 new businesses, lever £33m. of private sector investment and restore 60 historic buildings and facades.
- 5.4.13 If the CPO is confirmed, Far Gosford Street will be one of the first of ten identified regeneration projects in Coventry City Centre to be completed. This, in turn, will inspire confidence in the Council's and its partners' ability to regenerate Coventry City Centre to the economic & environmental benefit of its residents.
- 5.4.14 The compulsory purchase order would enable a delivery programme to be agreed with the developer, Heritage Lottery and AWM, as the scheme would have more certainty.
- 5.5 The Acquiring Authority is using its power of compulsory purchase contained in section 226 (1)(a) of the Town and Country Planning Act 1990 (as amended) because there is strong evidence that to acquire the land will facilitate the comprehensive regeneration of Far Gosford Street and that this will maximise the economic and environmental well being of the Far Gosford Street area.
- 5.6 The Council has considered whether the powers it seeks to exercise are compatible with the European Convention on Human Rights, in particular, Article 1 of the First Protocol of the Convention. It has concluded that there is a compelling case in the public interest for the acquisition of the land and buildings, as this will bring benefits to residents and businesses in the area that could not be achieved by agreement and that this outweighs the loss that will be suffered by the existing landowners. This compulsory purchase order follows existing legislative provisions in respect of the making and confirming of CPO's and the payment of compensation and, as such, the Council considers these to be compatible with the convention.

## **6.0 *Description of the Development Proposals.***

- 6.1 All the proposed works are in broad accordance with the Far Gosford Street development brief, adopted by Panning Committee as Supplementary Planning Guidance in January 2007. This applies both in terms of specific proposals and in terms of the brief's broad objectives for area's regeneration. As regards Site 7 in the brief (the industrial estate), it is proposed that the brief's requirement for an anchor retail store will now be satisfied on Site 1. The brief's requirement to provide for a more diverse commercial base will now be satisfied by establishing a creative business quarter at the industrial estate (Site 7). The design and facing materials and the construction/repairs methods adopted will need to be in accordance with the Far Gosford Street Conservation Area Design Guidance Manual, which is also Supplementary Planning Guidance.
- 6.2 Site 1 (18-21 Far Gosford Street): this is located at a prominent traffic island at the junction of the A4600, and the Coventry Ring Road. The proposed 'landmark' development is likely to be up to 5 storeys, anchored by prominent hotel and retail

operators. This would involve re-configuring the Sky Blue Way/ Far Gosford Street junction and enlarging the available development area. This would bring surplus highway land into economic use, extend 'active' frontage and help to reconnect Far Gosford Street with Gosford Street and the Coventry University campus.

- 6.3 Site 2 (31-34 Far Gosford Street and land r/o 29-30 Far Gosford Street and 146 Lower Ford Street). To the rear of these properties and on part of the service road, a two or three-storey development of retail and/or small business use is proposed at the ground floor, with residential above in the form of apartments. The frontage buildings are to be refurbished as one of a group of identified priority THI projects to refurbish historic buildings in the street. A shared private courtyard will separate the old and new buildings and provide for rear parking and servicing for the new and existing properties.
- 6.4 Site 3 (36-41 Far Gosford Street). Despite their poor condition, 37-40 are Grade 2 listed and are to be retained and refurbished as an important part of the street scene. The site of 36 has permission for A1 development, which is consistent with this approach. Although unlisted, 41 is locally listed, is structurally integral with no 40 and is considered to be an important part of the street scene. It is therefore proposed that this should be retained and refurbished.
- 6.5 Site 4: 58-60 Far Gosford Street is to be redeveloped for A1 and/or A2 use at ground floor, with two storey apartments over.
- 6.6 Site 5: (65-72 Far Gosford Street and right of way between 73 and 74 Far Gosford Street). The former Top Shops at 67-72 are to be retained and refurbished for a variety of A Class uses at ground floor and either small business (B1) or residential use on the upper floors. In addition, there is an opportunity at the rear to create a 'mirror image' three storey development fronting Sky Blue Way, occupied by small business (B1) use at the ground floor and residential and/or small business (B1) use at upper floor levels. A private courtyard between the old and new buildings will provide rear parking and servicing for both the new development and the existing properties. Part of the Gosford Arms rear garden is required in order to gain access to the new development and courtyard and a right of way to the new development is required through a shared access between 73 and 74 Far Gosford Street.
- 6.7 Site 6: 101 Far Gosford Street is required in order to widen the access to the proposed creative business quarter at the former industrial estate for service vehicles and to increase the industrial estate's frontage onto Far Gosford Street.
- 6.8 Site 7: Unit 1 Far Gosford Street Industrial Estate is required to provide a multi-purpose creative business space at the entrance to the new creative business quarter. The viability of the business plan for the creative quarter is dependent upon the acquisition of this unit to provide the necessary business and performance space to give the business quarter the necessary critical mass to be economically viable.

## **7.0 Planning Position of the Order Lands**

- 7.1 The planning framework is set out in the development brief which is approved Supplementary Planning Guidance. Having been discussed with the Far Gosford Street Regeneration Partnership, a series of full planning applications are at various stages between preparation and approval by the City Council as Local Planning Authority.
- 7.2 The Acquiring Authority believes that the scheme is supported by the following Regional Spatial Strategy (January 2008) policies:

- 7.2.1 UR1: Implementing Urban Renaissance – the major urban areas.
- 7.2.2 UR3: Enhancing the role of City, Town and District centres.
- 7.2.3 CF1: Housing within Major Urban Areas.
- 7.2.4 CF4: The reuse of land and buildings for housing.
- 7.2.5 PA2 Urban Regeneration Zones – Far Gosford Street is within the Coventry and Nuneaton Regeneration Zone.
- 7.2.6 PA3: High technology corridors – the area is within the Coventry, Solihull and Warwickshire one.
- 7.2.7 QE1: Conserving and Enhancing the Environment.
- 7.2.8 QE2: Restoring degraded areas and managing and creating high quality new environments.
- 7.2.9 QE3: Providing a high quality built environment for all.
- 7.2.10 QE4: Greenery, Urban Greenspace and Public Spaces.
- 7.2.11 QE 5: Protection and Enhancement of the Historic Environment.
- 7.3 The following policies in the Regional Spatial Strategy Preferred Options document (December 2007) are also relevant: PA12A: Comparison Retail Floorspace Requirements 2006-2026 and PA13A: Office Development Requirements 2006-2026
- 7.4 The Coventry Development Plan defines Far Gosford Street as a Local Centre under policy S5. The following policies of the plan are relevant:
  - H9: Windfall Additions to Housing Land Supply
  - H12: Design & Density of Housing Development.
  - EM4: Flood Risk and Development.
  - EM6: Contaminated Land.
  - H10: Affordable Housing.
  - S6: Ground floor Units in Defined Centres.
  - S10: Catering Outlets.
  - AM22: Road Safety in New Development.
  - BE2: Principles of Urban Design.
  - BE9: Development in Conservation Areas
  - BE10: Retention of Buildings in Conservation Areas.
  - BE11: Alterations or Extensions of Listed Buildings.
  - BE12: Change of use of Listed Buildings.
  - BE14: "Locally Listed" Buildings
  - BE15: Archaeological Sites.
- 7.5 The City Council's Core Strategy has been submitted and is proceeding to an Examination in Public in autumn 2009. Relevant policies are:
  - SG 1: Development
  - SG 2: Sustainability
  - SG 7: Provision of New Housing
  - SG 10: Housing Needs and Mix
  - SG 12: Residential Density

SG 14: Overall Economy and Employment Strategy  
SG 19: City Centre Strategy  
SG 20: City Centre Quarters  
EQ 1: Ensuring High Quality Design  
EQ 5: Biodiversity, Geological, landscape and Archaeological Conservation

The Far Gosford Street area is proposed to be a part of an expanded City Centre and appropriate policies will be brought forward in the City Centre Area Action Plan later in 2009.

7.6 In addition, the following Supplementary Planning Guidance is relevant:

Far Gosford Street Development Brief adopted as SPG (January 2007)  
Far Gosford Street Conservation Area Character Appraisal & Policy Framework/  
Conservation Area Control Plan & Design Guidance Manual SPG (July 2006)  
Design Guidance for New Residential Development SPG (1991).

7.7 As the scheme is supported by a development brief adopted as Supplementary Planning Guidance, listed building and conservation area consents will be granted, subject to detailed design.

### **8.0 Government Policy Relating to the Order Lands.**

8.1 The Government's approach to delivering sustainable development, set out in PPS 1, seeks social cohesion and inclusion, protection and enhancement of the environment, prudent use of natural resources and sustainable economic development. The comprehensive refurbishment of the identified buildings in partnership with a developer is expected to require significantly less from the public purse than individual refurbishment in partnership with the current owners. This demonstrates prudent use of resources. In addition, the comprehensive approach ensures that all priority projects can be completed within the timescale, providing some certainty that the environment of the area can be comprehensively enhanced.

8.2 The new build proposals are sustainable in that the businesses and residential accommodation are situated within a Local Centre and are also within walking distance of the City Centre. The creation of new commercial property will assist in improving the economic well being of the area.

### **9.0 Special Considerations affecting the Order Lands**

9.1 All of the Order Lands are situated within Far Gosford Street Conservation Area and, as noted above, several of the buildings are statutorily listed. However, there are no special categories of land or consecrated land as defined in part three of the Acquisition of Land Act 1981.

### **10.0 Known Obstacles to the Redevelopment.**

10.1 The main obstacle to redevelopment has been the fragmentation of ownerships. Informal meetings with developers in 2004 and 2007 concluded that, if properties could be consolidated into a single ownership, there would be strong developer interest in the package.

### **11.0 The Views of Government Departments.**



11.1 The Street has been designated a Townscape Heritage Initiative, which is administered by the Heritage Lottery Memorial Fund and a substantial grant has been awarded. It has also been awarded a European Regional Development Fund, administered through the Regional Development Agency, Advantage West Midlands. These processes involved outline and full application processes, which required the City Council to demonstrate, amongst other things, how the scheme helps to deliver local, regional and national policy.

#### **12.0 Relocation of Occupiers.**

12.1 Sites 1, 2, 5 and 7 contain occupiers who it may be necessary to relocate. In these circumstances, the Council and CDP will assist in identifying suitable alternative accommodation, if possible within Far Gosford Street, and appropriate compensation will also be paid.

#### **13.0 Related Orders**

13.1 As a result of the development and expansion of sites 2 and 5, it will be necessary to close part of two rear service roads. In the development of Site 1, it may be necessary to seek a Road Closure Order and/ or a Traffic regulation Order to facilitate highway remodelling. Any objections to the necessary highway closure orders will be heard concurrently with any public inquiry into this Compulsory Purchase Order.

#### **14.0 Documents, Maps or Plans for the Public Inquiry**

14.1 In the event of a public inquiry, the Council will rely on the following documents, which will be made available for public inspection.

The Order and Order Map  
The Coventry Development Plan  
The Regional Spatial Strategy  
Far Gosford Street Development Brief (Supplementary Planning Guidance)  
Far Gosford Street Conservation Character Appraisal and Policy Framework/  
Conservation Area Control Plan & Design Guidance Manual (Supplementary Planning Guidance)  
Regeneration Framework and Action Plan for Far Gosford Street

#### **15.0 List of Contacts**

15.1 Further information may be obtained from the following:

##### **Details of Regeneration Proposals**

Andy Duncan, Team Leader (Environmental Regeneration), Regeneration Services, City Development Directorate  
Tel: 024 7683 1354

##### **Compulsory Purchase and Compensation**

Paul Todd, Group Leader (Acquisitions and Disposals), Commercial Property Management, City Development Directorate  
Tel: 024 7683 2763

### **Developer Contract**

Ian Harrabin, Managing Director  
Complex Development Projects Ltd  
89 Turnmill St  
London  
EC1M 5QU  
Tel: (020) 7490 5387

### **Legal Enquiries**

Richard Drysdale, Principal Legal Executive, Legal and Democratic Services,  
Tel: 024 7683 3093

### **Conservation Area and Listed Buildings Enquiries**

George Demidowicz, Conservation Officer, Regeneration Services, City Development  
Directorate,  
Tel: 024 7683 1265

### **Planning Policy Enquiries**

Martin Trewinnard, Senior Policy Planner, Development Plans, City Development  
Directorate  
Tel: 024 7683 1315

### **THI Project Management**

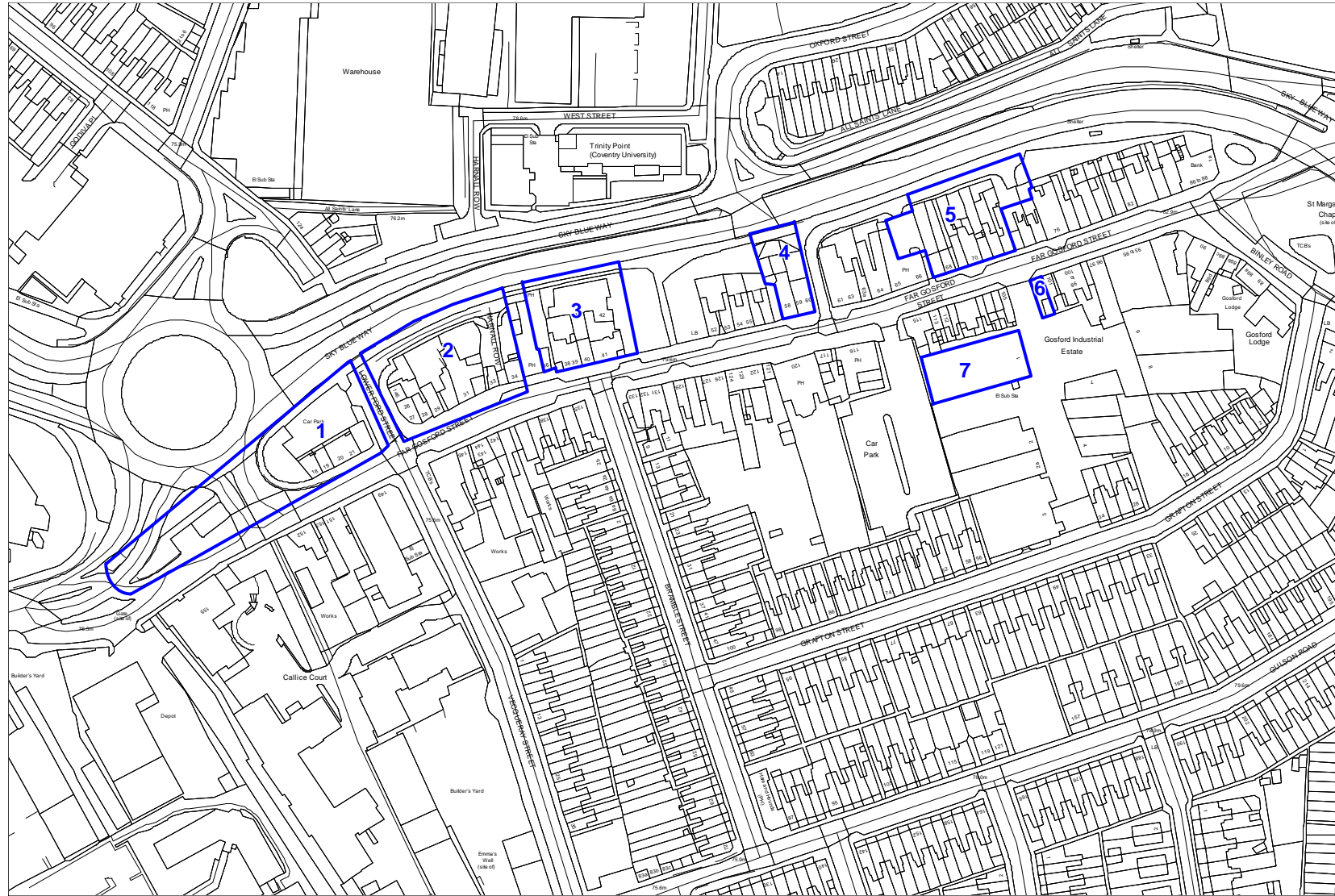
Nicola Poole, Project Manager, Regeneration Services, City Development Directorate  
Tel: 024 7682 2003

## **15.0 *Statutory Obligations***

- 15.1 This statement of reasons is not intended to discharge the City Council's statutory obligations under the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquires Procedure) Rules 1990.

***City Development Directorate  
Coventry City Council  
July 2009***

# Map 1



**City of Coventry (Far Gosford Street) Compulsory Purchase Order**

**Addendum: spending approval for £1.15m. ERDF for Far Gosford Street**

**Summary**

On 6<sup>th</sup> August Advantage West Midlands approved £1.15m of ERDF for Far Gosford Street to match Heritage Lottery funding already secured. Cabinet is asked to agree to add this to the capital and revenue programmes.

**Recommendation:**

Subject to contract, Cabinet is recommended to approve the addition of £1m to the capital programme and £150,000 to the revenue programme for Far Gosford Street regeneration.

**Background**

Paragraph 2.2 i) of the main report says 'an application for a further £1m of European funding is expected to be approved in time for your meeting'. This money has now been approved to match £1m of Heritage Lottery Fund (HLF) already secured, subject to contract.

Some of the Far Gosford Street historic property restoration projects have been put on hold pending the outcome of this bid, so that Heritage Lottery funding can be reserved to match ERDF. To maintain momentum, it is important that these projects can re-start as soon as possible, which cannot happen until Cabinet have agreed to add the spend to the capital programme.

**Options considered and recommended proposal:**

- a) schedule a separate report which could not be considered by Cabinet until 20<sup>th</sup> October 2009
- b) ask Cabinet to agree the expenditure now.

Option b) is recommended.

The extra capital funding will help to meet a shortfall in the grant requirement to restore historic buildings in the street. The total ERDF and HLF grant fund of £2m will go a long way to completing the comprehensive restoration of historic buildings in Far Gosford Street. The additional ERDF revenue grant of £150,000 will help to finance contract extensions for the Far Gosford Street project team until project completion in March 2012.

The extra funding is expected to lead the creation of 30 new jobs, safeguarded 40 existing jobs and create eight new businesses, as well as restoring ten groups of historic buildings.

**Financial implications**

Spend profile:

	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>Total</b>
Capital	350,000	350,000	300,000	1,000,000
Revenue	35,000	55,000	60,000	150,000

**Author:** Andy Duncan, Team Leader (Environmental Regeneration)

**Cleared by:** Martin Yardley, Deputy Director (City Development), Phil Helm (Finance Manager), Christine Ford (Head of Legal Services)

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A separate report is submitted in the private part of the agenda in respect of this item, as it contains details of financial information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972. The grounds for privacy are that it refers to the identity, financial and business affairs of an organisation and the amount of expenditure proposed to be incurred by the Council under a particular contract for the supply of goods or services.

Cabinet  
Council

25<sup>th</sup> August 2009  
15<sup>th</sup> September 2009

**Name of Cabinet Member:**

**Cabinet Member (Climate Change, Housing & Sustainability) - Councillor Lee and Cabinet Member (City Development) – Councillor Ridley**

**Director approving submission of the report:**

Director of City Development and Director of Finance and Legal Services

**Ward(s) affected:**

St Michaels  
Cheylesmore

**Title:**

**Heat Line Project: Phase 1**

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**Is this a key decision?**

Yes

Cabinet is requested to recommend Council to approve a single tender negotiation to carry out the Design and Build of the heat line project and appoint a Mechanical and Electrical Consulting Engineer to oversee the project on the Council's behalf. The contract will only be secured on the proviso that funding is secured from the Department of Energy & Climate Change (DECC), grant conditions are favourable and that a full-risk fixed price contract is agreed.

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**Executive summary:**

Coventry has submitted a grant application for funding under the Green Stimulus Programme; this programme was announced in the 2009 Budget and is aimed at developing district heating schemes.

This funding will be used to supply and install the major flow and return pipeline infrastructure, as noted in appendix 1; from the Energy from Waste Plant at Bar Road (Point A) to Deasy Road (Point B), with the capacity to further extend the pipeline through cost management of the budget to Point C, which is located at Whitefriars Street. This will be the first phase of a larger project that will link to existing commercial buildings and future developments in the City Centre to form a

district heating scheme using the hot water generated as a by-product of the electricity generation process at the Energy from Waste plant.

Project Transform intends to replace the existing Energy from Waste plant, the Outline Business Case for this project states that it will be implemented between 2015 and 2020. The heat line project will only proceed on the basis that there are sufficient benefits in the period up to 2020 to justify the initial investment and that the utilisation of the pipeline post 2020 will be considered as part of the Project Transform PFI procurement process.

The heat line project was initially submitted as a bid to the Homes & Communities Agency (HCA), but was unsuccessful in the first tranche of funding. However, the project is on a reserve list of four, should further funding become available. Therefore, with the restricted timeframe it is proposed that a single tender negotiation under section F9 of the Council's Standing Orders, are used to appoint a Design and Build Contractor, to carry out the design and installation of the pipeline with an M & E Consulting Engineer who will oversee the project on behalf of the Council. The contractor and consultant will be commissioned on a full-risk fixed cost contract.

As part of the bid process the Council gained assurance to the adequacy of the budget by obtaining two cost estimates. These were obtained from the Combined Heat and Power Association – a framework advisor for the HCA, and the other from a local consultancy. The contract for the Design and Build will be based on a full risk fixed-cost contract to mitigate the risk of cost creep. In addition, a contingency of 10% has been included in the funding application.

If timescales for project completion are extended, then a contractor and consultant will be procured through the council's standard procurement procedures.

Phase 1 of the project will be to install a heat line from the Energy from Waste plant to Deasy Road at the costs stated within the report. Within the contractual agreement, if cost savings are realised and sufficient budget capacity allows, it has been agreed that the contractor will continue to extend the pipeline further into the city centre as indicated in the Plans attached in Appendix 1 & 1a.

Phase 2 of the project will be the extension of the heat line from the point of entry into the city centre and connection to the end users. In order to finance and deliver the connections to consumers and provide energy supply services as well as off-setting the risks of the scheme, the Council will therefore, procure an Energy Services Company (ESCO) who will provide the capital investment, install the additional infrastructure and provide the ongoing maintenance and services to serve existing and proposed developments in the city centre, which will include Coventry City Council, Coventry University, Coventry Sports Centre and potentially the new Sidney Stringer Academy.

A programme for the procurement of an ESCo is in place and will run concurrently to Phase 1 of the heat line project. Through soft market testing with ESCo companies, and expressions of interest have been received.

**Recommendations:**

- (1) Approve the single tender negotiation under F9 of the Council's Standing Orders to appoint a contractor and consultant within the financial parameters detailed in this report.
- (2) Delegate authority to the Director of Finance and Legal Services and the Director of City Development to agree the final award of the single tender based on the affordability of the tender price obtained, the agreement of a fixed cost contract, the receipt of grant conditions that are acceptable to the Council and no change in the anticipated benefits of installation of the heat line.

**List of Appendices included:**

Appendix 1: Plan showing the proposed route of the heat line  
Appendix 1a: Heat Line Consumer Connections Plan

**Other useful background papers:**

- 1. Outline Report for Coventry district heating Scheme CC4 Floor 4
- 2. Detailed Questions for DECC green Stimulus package CC 4 Floor 4
- 3. Briefing Note for Green Stimulus funding dated 1<sup>st</sup> June 2009 CC4 floor 4

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes

**Report title:**  
**Heatline Project: Phase 1**

**1. Context (or background)**

- 1.1 The Coventry Climate Change Strategy was compiled in collaboration with the Coventry Partnership, and was publicly consulted upon and approved by Cabinet in March 2008. This strategy aims to reduce the carbon footprint of the whole city and commits to reducing emissions by 40% by 2025 and by 70% by 2050 (this is likely to be shortly revised to 80% to fit with the latest UK Government guidance). The City Council in support of Climate Change has seen the appointment of Cabinet Member for Sustainability, Housing and Climate Change.
- 1.2 The new Comprehensive Area Assessment of local authority performance now contains three National Indicators relating to climate change which requires the council to report on emissions from the council's own operations (NI 185), one relating to per capita emissions from its area (NI 186) and one relating to adapting to climate change (NI 188). One or more of these National Indicators are incorporated into Local Area Agreements between Central Government and Councils; in the case of Coventry, NI 186 has been selected and the council has a target of delivering 4% year on year reductions over the next three years.
- 1.3 The Energy from Waste plant at Whitley was one of the first in the country to sell the by product of waste incineration heat to a private customer (Peugeot Cars), but this is no longer the case and alternative potential customers have been sought. This HCA funding will enable the provision of a heat line direct to the area of most potential customers that are based in the City Centre.

**2. Options considered and recommended proposal**

- 2.1 Run the project as a Design and Build contract and inviting tenders from Mechanical and Engineering Companies that have the expertise and background in this type of operation would take around four months and therefore would not allow us enough time to complete the project to HCA requirements and subsequently we would lose the opportunity.
- 2.2 Run the project on a complete specification and brief method. Again to run a tender competition to appoint a designer to prepare the specification and then tender for the installation works would take around four months, so therefore would again be outside the HCA time frame.
- 2.3 Therefore it is your officer's recommendation to appoint an experienced contractor and consultant when funding has been secured, which will be done via a single tender negotiation under a full-risk, fixed cost Design & Build contract, to enable the project to be finished within the time constraints imposed by the funding body.

**3. Results of consultation undertaken**

- 3.1 The contract for the Design and Build would be awarded on a full risk fixed-cost contract. The Mechanical and Engineering Consultant will also verify the cost of the works before finalising contracts.



3.2 Further advice as to the suitability of these companies has been received from a Public Service ESCo based in Fife, Scotland and the Combined Heat and Power Association, who are a framework consultant to the HCA.

#### 4. Timetable for implementing this decision

4.1

25/08/09	Cabinet decision
15/9/09	Council Meeting
01/10/09	Anticipated award of funding from the DECC
01/11/09	Anticipated start on site (estimated 5 month programme of works)
31/04/10	Contract completion

#### 5. Comments from Director of Finance and Legal Services

##### 5.1 Financial Implications

Project costs will need to be managed within the grant funding secured within the current (2009/10) financial year. The final grant conditions are unknown but will be confirmed prior to expenditure being incurred. If the grant conditions are considered too onerous the Council will not take up this funding opportunity. The funding will be spent on the basis that there are significant benefits of securing the grant and installing the heat line in the period up approximately 2015-2020 when the new Energy from Waste plant is planned to be operational.

Soft market testing of potential ESCos has indicated that the extension of the heat line and the potential end user/customer base in both the short and long term is financially viable.

ESCo arrangements have proved viable on existing schemes elsewhere (Sheffield, Nottingham and Birmingham) and resulted in ongoing revenue savings for the end users.

##### 5.2 Legal Implications

In accordance with section F9 of the Councils Standing Order; under exceptional circumstances, the Council can proceed by way of a single negotiated tender rather than a competitive process if the works and services to be provided are below the EU threshold. It is requested that the contract be let as a single negotiated tender, as the grant funding is time limited. It is also proposed to appoint a Mechanical and Electrical Consulting Engineer to oversee the project on behalf of the Council.

These costs are below the current OJEU threshold for the procurement of works and services.

The legislation for the works is contained in the Environmental Protection Act 1990 and the Local Government Act 2000.

#### 6. Other implications

##### 6.1 How will this contribute to achievement of the council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / LAA (or Coventry SCS)?

- 6.1.1 By carrying out the contract the Councils Climate Change and Sustainable Communities Strategy will be enhanced.
- 6.1.2 This action supports the 4% target for carbon reduction required year on year under the LAA, which is linked to NI186.
- 6.1.3 The Council will also benefit through reductions in its own energy consumption measured under NI185.
- 6.1.4 This project will contribute to the Coventry Climate Change Strategy current target of reducing emissions by 40% by 2025 and by 70% by 2050.
- 6.1.5 Longer term it will reduce the City Council costs and exposure to fuel price fluctuations and assist in our carbon reductions.
- 6.1.5 The City Centre district heating scheme links with the Environmental Theme Group<sup>1</sup>, which is also linked to Coventry Climate Change Strategy.

## **6.2 How is risk being managed?**

- 6.2.1 The Project Champions office, (in CDD), will co-ordinate a risk register, with the Management Consultant and the Contractor to mitigate any risks. These will be shared with the HCA. Project Champions will report progress on any risks to a senior level project board.

One of the key risks is that the grant conditions are still in the process of being developed. The Council must ensure it is aware and understands the conditions and if they are too onerous, the Council will reconsider the viability of proceeding with the project.

In order to transfer the risks associated with the installation of the pipeline, including engineering complications and delays in the programme, Coventry City Council will procure the works on a full risk fixed cost contract – therefore the risks are transferred to the contractor and management consultant.

The following key risks have also been identified:

- 6.2.2 Contract overrun, mitigation: Through independent assessment the programme for installation works has been agreed by the funding body.
- 6.2.3 Cost overrun, mitigation: The project cost has been checked by CHPA and a local consultancy and a 10% contingency has also been included in the cost estimate. To fully ensure the project is delivered to budget, a fixed cost contract will be agreed.
- 6.2.4 Failure to appoint an ESCo, mitigation: Soft market testing has indicated that there are number of companies interested in tendering for the contract and letters of interest have been received.

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<sup>1</sup> Environmental Theme Group is a consultative group comprising representatives from Coventry University, University of Warwick. NHS Trust, Whitefriars, IKEA ,etc

### **6.3 What is the impact on the organisation?**

- 6.3.1 The heat line contract will be managed within the existing staff of Project Champions, with input from other Council departments.
- 6.3.2 Long term impact on the heating costs for City Council Buildings is expected to be a considerable saving.. In addition, the scheme could generate carbon savings of around 644 tonnes per year and the Council could benefit from Carbon Reduction Credit rewards.
- 6.3.3 Long term results in City Councils CO<sub>2</sub> savings are expected to be considerable. With an eye on future government taxes on CO<sub>2</sub> emission, this project will enable the City to lead the way in innovation in sustainability.

### **6.4 Equalities / EIA**

We have requested and checked the company's Equal Opportunities Policy and are satisfied it is robust and complies with our own.

### **6.5 Implications for (or impact on) the environment**

It is estimated that the heat line will deliver around 49,500MW of heat per annum into the city centre from the existing Waste to Energy Plant, saving approximately 4.5million m<sup>3</sup> of natural gas per annum and 9,137 tonnes of CO<sub>2</sub>. This could increase to around 55,000MW of heat per annum with corresponding savings in natural gas and CO<sub>2</sub>, if linked to residential development in the city centre.

### **6.6 Implications for partner organisations?**

- 6.6.1 Coventry Waste to Energy plant will start to use the heat produced and will when the heat line is connected to buildings start to receive an income from heat sales.
- 6.6.2 Long term implication for other City centre buildings will be the availability of more economical heating and a move towards zero carbon emissions.
- 6.6.3 Coventry Sports Trust is a likely beneficiary, as the Sports Centre is within the target zone.
- 6.6.4 Coventry University have shown strong interest in becoming a customer of heat. They will also benefit financially and through carbon savings.
- 6.6.5 Occupants of existing and new Registered Social Landlords and Privately owned housing units in the city centre will benefit from lower energy costs.

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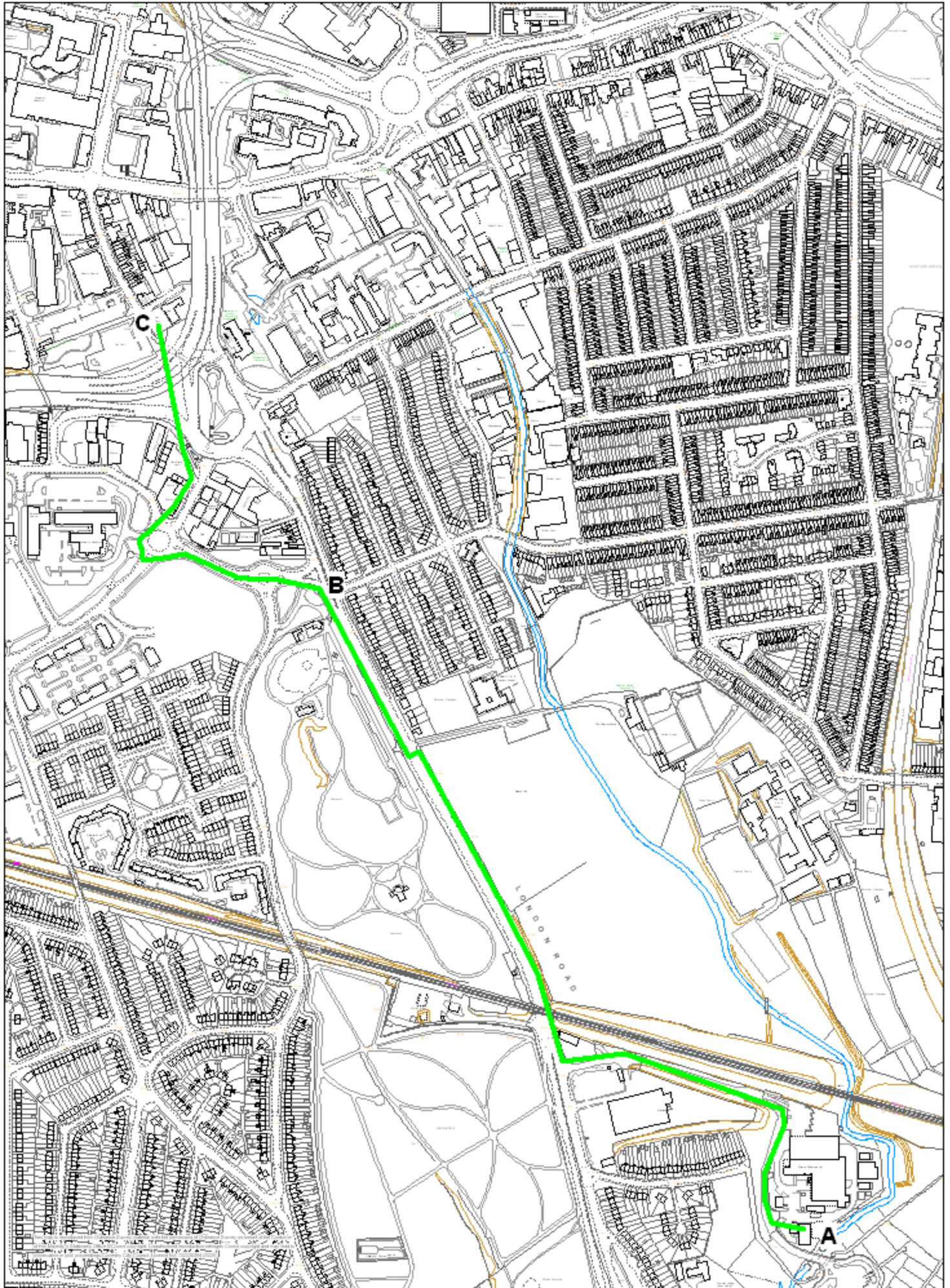
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**Appendices:**

Appendix 1: Heat Line Route Plan

Appendix 1a: Heat Line Consumer Connections Plan

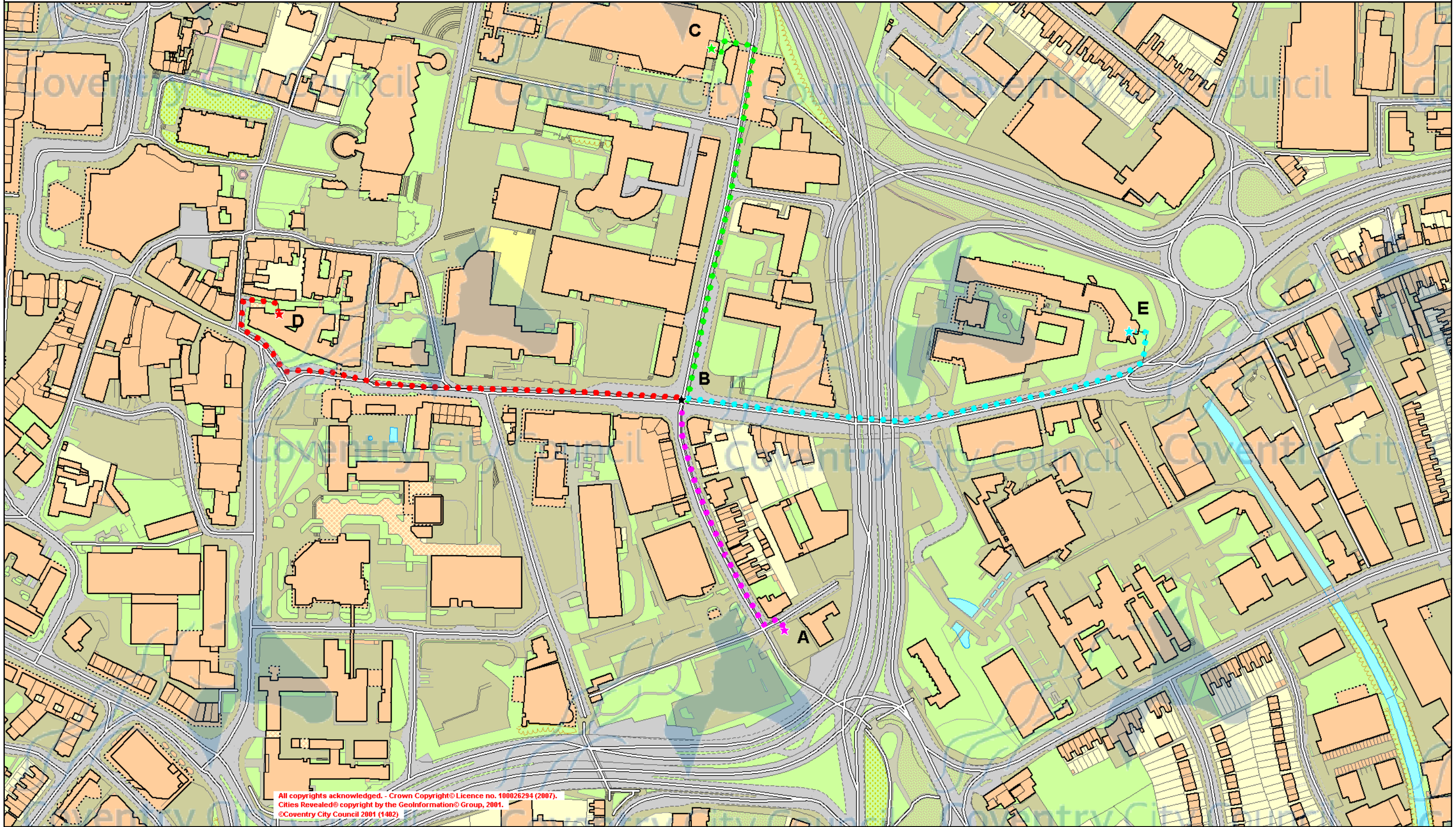
## PROPOSED ROUTE FOR HEATLINE FROM WASTE REDUCTION UNIT TO CITY CENTRE





Phase 2 Pipe Line Connections

- A - B 185m
- B - C (Sport Centre) 290m
- B - D (Council House) 366m
- B - E (Sir William Lyons Building) 350m



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J Mosey