

COUNCIL OF THE CITY OF COVENTRY

15 September 2009

PRESENT

Lord Mayor (Councillor Harrison)

Deputy Lord Mayor (Councillor Kelsey)

Councillor Adalat	Councillor Lapsa
Councillor Andrews	Councillor Lee
Councillor Arrowsmith	Councillor Mrs Lucas
Councillor Asif	Councillor Matchet
Councillor Auluck	Councillor Maton
Councillor Bailey	Councillor Mulhall
Councillor Bains	Councillor J. Mutton
Councillor Mrs. Bigham	Councillor Mrs. M. Mutton
Councillor Blundell	Councillor Nellist
Councillor Charley	Councillor Noonan
Councillor Chater	Councillor O'Boyle
Councillor Cliffe	Councillor O'Neill
Councillor Clifford	Councillor Miss Reece
Councillor Crookes	Councillor Ridge
Councillor Mrs. Dixon	Councillor Ridley
Councillor Duggins	Councillor Ruane
Councillor Field	Councillor Sawdon
Councillor Foster	Councillor Skinner
Councillor Gazey	Councillor Smith
Councillor Harvard	Councillor Mrs Sweet
Councillor Mrs. Johnson	Councillor Taylor
Councillor Kelly	Councillor Townshend
Councillor Khan	Councillor Mrs. Waters
Councillor Lakha	Councillor Williams
Councillor Lancaster	Councillor Windsor

Apologies: Councillor McNicholas
Councillor Skipper

Public Business

34. Minutes

The minutes of the meeting held on 29 June 2009 were signed as a true record.

35. Illuminated Address

The Lord Mayor presented Councillor Andy Matchet, Lord Mayor for 2008/09, with his Illuminated Address.

36. Coventry Good Citizen Award

On behalf of the Council, the Lord Mayor and his Honour Judge Hodson, the Honorary Recorder, presented Mr Joe Elliot with the Coventry Good Citizen Award. His citation read:

"Joe Elliott has put in considerable time and effort on behalf of the city of Coventry.

He has been connected with Coventry City FC in various roles since 1985. Due to his determination and hard work he saved the Sky Blues from folding in 2008, working 18 hours a day for several months to ensure that the club was saved to play Championship football.

He has been a board member of the Transport Museum since 1991 and chairman since 1999, was founder chairman of A1 motor stores group and is a governor at All Saints Church of England primary school, and is also linked with many other Coventry organisations.

He is involved with many charities, including Baby Lifeline, NSPCC and the royal National Institute for the Blind on a national level. He is also supportive of local charities - notably Myton Hospice and Coundon Care Centre.

Known as 'Mr Coventry' for his endless enthusiasm and generosity, he lives and breathes for the city of Coventry. He works tirelessly seven days a week for a city of which he is extremely proud.

He can deservedly claim to be a Good Citizen of Coventry."

37. 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 that item involves the likely disclosure of exempt information as defined in the Paragraphs of Part I of Schedule 12A of that Act as indicated.

Minute No.	Subject	Relevant Paragraphs(s) of Part 1 of Schedule 12A
55	City of Coventry (Far Gosford Street) Compulsory Purchase Order 2009	3
56	Heat Line Project: Phase 1	3

38. Death of Former Lady Mayoress

The Lord Mayor referred to the recent death of Mrs Lyn Batten, wife of Dave Batten, who were Lord Mayor and Lady Mayoress in 2007/08.

Lyn served the City with great dignity and dedication.

Members noted that a letter had been sent to Dave expressing the Council's sincere condolences to him and his family.

39. Deaths of Fusiliers

The Lord Mayor referred to the recent deaths of two Coventry soldiers serving in the Royal Regiment of Fusiliers in Afghanistan. The Regiment had been awarded the Freedom of the City on 26 September 1946 and had paraded through the City earlier this year.

Members noted that a letter had been sent to the families of Lance Corporal James Fullarton and Fusilier Shaun Bush expressing the Council's sincere condolences.

40. Death of Former Chief Executive and Town Clerk

The Lord Mayor referred to the recent death of former Chief Executive and Town Clerk of the City Council, Derrik Hender. Derrik was City Treasurer for the Council until 1969, when he was appointed as Chief Executive and Town Clerk. He held this position until 1973.

Members noted that a letter had been sent to the family expressing the Council's sincere condolences.

41. Death of Councillor Taylor's Mother

The Lord Mayor referred to the recent death of Councillor Ken Taylor's mother.

Members noted that a letter had been sent to Ken and Mary Taylor to express the Council's sincere apologies.

42. Birth Announcement

On behalf of colleagues and Members, the Lord Mayor extended congratulations to Martin Reeves and his wife Lucy on the recent safe arrival of Nancy Rose, a new addition to the family and sister to Mae.

43. Civic Engagements

The Lord Mayor informed the Council of his recent civic engagements, including attendance at the Westfield Health British Transplant Games, the Godiva Festival, a Royal Garden Party, the opening of Jet Centre at Coventry Airport, the opening of the Midlands Motor Show and a visit to Volgograd.

44. Petitions

RESOLVED that the following petitions be referred to the appropriate City Council body or external organisation:

- (a) Request for parking spaces, Station Street East – 335 signatures presented by Councillor Auluck.**
- (b) Request to lower city centre car park charges, reinstate inner city bus routes and re-open Croft Road – 4,070 signatures submitted by Councillor O'Boyle**

(c) Footpath: Colliery Sports Ground/Bunson Wood – 152 signatures presented by Councillor Gazey

(d) Request for traffic calming: Hollyfast Road/Norman Place Road junction – 14 signatures presented by Councillor Smith

(e) Opposing the proposal to terminate the Park and Ride North service – 65 signatures presented by Councillor Field

45. Declarations of Interest

The following Members declared interests in the matters referred to in the minutes indicated. The relevant minutes, and recorded decisions, also record where appropriate, the actions that the Members decided to take at the meeting indicated, having regard to the National Code of Local Government Conduct and the City Council's Constitution:

(a) Interest in Recommendations

Prejudicial

Member	Minute Number
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Councillor Ridge	47 and 55
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(Councillor Ridge left the meeting for consideration of these items)

(b) Interest in Other Matters (Question Time)

Prejudicial

Member	Minute Number
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Councillor Windsor	51 (Question 1)
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(Councillor Windsor left the meeting for consideration of this item)

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

Further to Minute 46/09 of the Cabinet, the City Council 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 had been prepared to the consultation and was set out in Appendix 1 of 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 had noted that Scrutiny Board (1) had considered the report at their meeting on 5th August, 2009 and had fully supported the proposed response.

RESOLVED that the consultation response detailed in the Appendix to the report be approved 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

Further to Minute 47 of the Cabinet, the City Council 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 55 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.

RESOLVED that the City Council:

- 1) 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.**
- 2) 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.**
- 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 was 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) **Approve the addition of £1m to the capital programme and £150,000 to the revenue programme for the Far Gosford Street Regeneration.**

48. **Heat Line Project: Phase 1**

Further to Minute 51 of the Cabinet, the City Council 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 56 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 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 the City Council:

- 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 the 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.**

49. 2008-09 Annual Report of the Audit Sub Group as the Council's Audit Committee

The City Council considered a report of the Director of Finance and Legal services which complied with the Terms of Reference for the Audit Committee which required an annual report to Council reporting on its work.

The report detailed:

- Activity of the Audit Sub Group as the Council's Audit Committee
- Audit Sub Group Development
- Accountancy
- Internal Audit Reports
- External Audit Reports

RESOLVED that the City Council note the activity of the Audit Sub Group, as the Council's Audit Committee during 2008/09 and the new Audit Committee's priorities for 2009/10.

50. Scrutiny Boards' Annual Report to the City Council

The City Council considered the Scrutiny Boards' Annual report to the City Council for 2008/09.

It was noted that the report had been approved by the Scrutiny Co-ordination Committee on 2 September 2009 (their Minute 40/09 refers).

RESOLVED that the City Council note the Scrutiny Boards' Annual Report 2008/09.

51. Question Time

The appropriate Members provided a written response to all the questions set out in the Questions Booklet, together with an oral response to supplementary questions put to them at the meeting.

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

No	Question Asked By	Question Put To	Subject Matter
1	Councillor Nellist	Councillor Lee	Cyrenians: Meeting requested with appropriate Councillors to discuss measures needed to maintain service for rough sleepers following termination of contract.
2	Councillor O'Boyle	Councillor Ridley	Core Strategy – letter from Caroline Spelman, MP
3	Councillor Townshend	Councillor Ridley	County Hall – what steps were being taken to ensure no further deterioration and what action was needed to bring up to standard.
4.	Councillor Nellist	Councillor Mrs Dixon	Future Job Fund – request to investigate initiatives at Sheffield Council to attract funding.
5.	Councillor Mutton	Councillor Lee	New Deal – announcement of Government funding
6.	Councillor Townshend	Councillor Foster	Equal Pay litigation – legal costs
7.	Councillor Chater	Councillor Blundell	Cuts to Sure Start programme

52. Statement by the Leader of the Council

There was no statement.

53. Debate – NUCKLE Rail Project

Councillor Foster moved the following motion which was seconded by Councillor Ridley:

"This Council believes that the NUCKLE Rail project is a key part of regenerating our City, as well as the Sub-Region, and should be on the fast track to approval"

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

54. Debate – Closure of Vestas Wind Systems

Councillor Windsor moved the following motion which was seconded by Councillor Nellist and lost:

"This Council believes that targets for increasing the proportion of energy produced in a non-polluting, sustainable way to combat climate change can best be achieved over the next decade via wind, tidal and wave power.

Council therefore deplores the decision of Vestas Wind Systems to close the UK's only wind turbine blade plant in Newport on the Isle of Wight with a loss of over 600 jobs on the island and in Southampton.

Council fully supports the actions of those workers who occupied the factory during the summer, and their continuing campaign to prevent product, plant and equipment from leaving the UK.

Council supports the call for the nationalisation of this factory to retain the skills of the workforce, provide much needed local employment, and as part of the development of a serious green energy strategy for the future, and agrees to forward this motion to the Secretary of State for Energy and Climate Change"

RESOLVED that the Motion as set out above not be adopted.

Private Business

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

Further to Minute 47 above, relating to the public aspects of this matter, the City Council considered a report of the Directors of City Development and Finance and Legal Services which sought approval for the making of a Compulsory Purchase Order (CPO) for the acquisition of land and buildings to facilitate the comprehensive regeneration of Far Gosford Street. The report contained confidential financial and contractual details relating to the proposal.

RESOLVED that the City Council:

- 1) 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.

- 2) 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.
- 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.
- 5) Approve the addition of £1m to the capital programme and £150,000 to the revenue programme for the Far Gosford Street Regeneration.

56. Heat Line Project: Phase 1

Further to Minute 48 above, the City Council 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. The report contained confidential financial and contractual details relating to the proposal.

RESOLVED that, subject to funding being secured from the Department of Energy and Climate Change, the City Council:

- 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 the 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.

(Meeting Closed: 6.30 p.m.)