

COUNCIL OF THE CITY OF COVENTRY

23rd February, 2010

PRESENT

Lord Mayor (Councillor Harrison)

Deputy Lord Mayor (Councillor Kelsey)

Councillor Adalat	Councillor Lee
Councillor Andrews	Councillor Mrs Lucas
Councillor Arrowsmith	Councillor Maton
Councillor Auluck	Councillor McNicholas
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 Skipper
Councillor Harvard	Councillor Smith
Councillor Mrs. Johnson	Councillor Mrs Sweet
Councillor Kelly	Councillor Taylor
Councillor Khan	Councillor Townshend
Councillor Lakha	Councillor Mrs. Waters
Councillor Lancaster	Councillor Williams
Councillor Lapsa	Councillor Windsor

Apologies: Councillor Asif

Public Business

100. Minutes

The minutes of the meeting held on 12th January, 2010 were agreed as a true record.

101. Coventry Good Citizen Award

On behalf of the Council, the Lord Mayor and his Honour Judge Hodson, the Honorary Recorder, presented Sheila King with the Coventry Good Citizen Award. Her citation read:

"Sheila King has lived on the Westmorland Estate since it was built in the 1960's. She set up its residents association, which also includes Belgrave Road. Sheila quickly became the secretary for the Association, and is also the secretary for the local Neighbourhood Watch, known as BRANWA.

Sheila was a teacher at Sidney Stringer School for many years and continued as a supply teacher. She is a former Trustee for the Wyken Adventure Centre, where young people can go and experience various activities including wall climbing, and continues to offer support to the Centre. She herself has been an active person, meeting her husband of 50 years when they were both glider pilots.

She never fails to attend meetings on behalf of the community whether it is the Police Forum, Safer Neighbourhoods, Voluntary Action or walking around the estate with a Whitefriars representative ensuring that the needs of the residents are met.

She loves to help her friends and the residents on the estate, continuing her work for the community, even during her recent illness.

Sheila is an inspiration to all, and truly deserves to be recognised as a Good Citizen of Coventry".

102. 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
121/09	Coventry Street Lighting PFI – Preferred Bidder Approval and Award of Contract	3

103. Death of Soldier

The Lord Mayor referred to the recent death of Sapper Guy Mellors, a soldier serving with the 36 Engineer Regiment in Afghanistan.

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

Council held a minute's silence as a mark of respect.

104. Civic Engagements

The Lord Mayor informed the Council of his recent civic engagements, which totalled 435 to date. The Lord Mayor had attended the Pride of Coventry & Warwickshire Awards and Coventry Tamil Festival. The Lord Mayor also hosted Vladimir Antonov, Chairman of Spyker Cars and the Consul General of India and guests. Continuing the Council's links with Volgograd, the Lord Mayor hosted a Doctor from Volgograd for two weeks on work placement at University Hospital Coventry and Warwickshire. Finally, the Lord Mayor launched the Lord Mayor's Charity Gala Ball, which would take place on 19th March 2010 at The Hilton Hotel.

105. Petitions

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

- (a) Parking Problems, lack of investment and concerns around security in the area known as The Butts – 17 signatures presented by Councillor O'Boyle.**
- (b) Request for resurfacing of Lutterworth Road and surrounding areas – 35 signatures presented by Councillor Bains.**
- (c) Request to repair alleyway between Wren Street and St. Nichol's Street – 114 signatures, presented by Councillor Windsor**
- (d) Objection to the implementation of the Improving Services for Young People Plan – 695 signatures, presented by Councillor Windsor.**

106. Declarations of Interest

The following Members declared personal interests in the matter referred to in Minute 115 below relating to " Appointment to Outside Bodies - Foxford School Trust" as Councillor Mrs Bigham was already a school governor at Foxford School and the other Members were non-executive Directors of University Hospital Coventry and Warwickshire, which is a partner organisation of Foxford School Trust:-

Councillor Mrs Bigham
Councillor Harrison
Councillor Sawdon
Councillor Townshend

The Members indicated remained in the meeting and took part in the decision thereon

107. 2010/11 Council Tax and Budget Requirement

Further to Minute 108/09 of the Cabinet, the Council considered a report of the Director of Finance and Legal Services which sought approval for the City's 2010/11 Council Tax and Budget Requirement. The Budget Report 2010/11 approved by Council on 8th December 2009 agreed a set of savings and expenditure proposals as the basis of the Council's revenue budget. That report was based on estimates of both the Government's Formula Grant allocation for the Council and the City's tax-base. These

items have now been confirmed.

The report calculated the Budget Requirement and Council Tax level for 2010/11 and made appropriate recommendations to the full City Council. The figures were necessarily provisional due to the Police and Fire precepts not having been confirmed at the time of writing the report. Details of the precepts were confirmed at the meeting and revised figures were circulated.

The figures represented a Council Tax increase, from 2009/10 figures, of 2.40% for the City's Council Tax and 2.33% overall, taking into account the precepts from the Police and Fire Authorities. The Council's final Budget Requirement was £269,393,761. The report incorporated the impact of the Government's final Formula Grant settlement, the City's approved Council Tax-base and the revenue budget proposals approved by Council on 8th December.

It was noted that the recommendations followed the structure of resolutions drawn up by the local authority associations, to ensure that legal requirements were fully adhered to in setting the tax. As a consequence, the wording of the proposed resolutions was necessarily complex.

RESOLVED that the City Council:

(1) Note that at its meeting on 12th January 2010 the Council's Cabinet approved the following amounts as its Council Tax-base for the year 2010/11 in accordance with Regulations made under Section 33(5) of the Local Government Finance Act 1992:

a) 88,578.0 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council Tax base for the year;

b)	Allesley	421.4
	Keresley	212.5

being the amounts calculated by the Council, in accordance with Regulation 6 of the regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.

(2) That the following amounts be now calculated by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

a) £ 808,209,761 being the aggregate of the amounts that the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act, other than any expenditure estimated to be incurred which will be charged to a Business Improvement District (BID) revenue account as set out in section 43(2)(a) of the Local Government Act 2003. (Gross Expenditure including the amount required for the working balance);

- b) £ 538,816,000 being the aggregate of the amounts that the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act, other than any income estimated to be received which will be credited to a BID revenue account as set out in section 43(2)(b) or (c) of the Local Government Act 2003. (Gross Income including reserves to be used to meet the Gross Expenditure);
- c) £ 269,393,761 being the amount by which the aggregate at (2) (a) above exceeds the aggregate at (2) (b) above, calculated by the Council in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- d) £ 152,129,205 being the net aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of Formula Grant (the sum of Revenue Support Grant and National Non Domestic Rates) [£153,025,914] and the amount of the sums which the Council estimates will be transferred in the year to its Collection Fund from its General Fund in accordance with the Act as amended by the 1994 Regulations (Council Tax Deficit) [£896,709] and pursuant to the Collection Fund (Community Charge) directions under Section 98(4) of the Local Government Finance Act 1988 (Community Charge Surplus) [£0].
- e) £ 1,323.86
$$\frac{(2) (c) - (2) (d)}{(1) (a)} = \frac{269,393,761 - 152,129,205}{88,578.0}$$
- being the amount at (2) (c) above, less the amount at (2) (d) above, all divided by the amount at (1) (a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year. (Average Council Tax at Band D for the City including Parish Precepts).
- f) £ 5,000.00 being the aggregate amount of all special items referred to in Section 34(1) of the Act. (Parish Precepts);
- g) £ 1,323.80
$$= (2) (e) - \frac{(2) (f)}{(1) (a)} = 1,323.86 - \frac{5,000}{88,578.0}$$

being the amount at (2) (e) above, less the result given by dividing the amount at (2) (f) above by the amounts at (1) (a) above, calculated by the Council, in accordance with Section 34(2) of the

Act, as the basic amount of its Council Tax for the year for dwellings in those parts of the area to which no special item relates. (Council Tax at Band D for the City excluding Parish Precepts);

h)	Coventry Unparished Area	1,323.80
	Allesley	1,332.11
	Keresley	1,330.86

being the amounts given by adding to the amount at (2) (g) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (1) (b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate. (Council Taxes at Band D for the City and Parish).

i)	Valuation Band	Parts to which no special item relates	Parish of Allesley	Parish of Keresley
		£	£	£
	A	882.53	888.07	887.24
	B	1029.62	1036.08	1035.11
	C	1176.71	1184.10	1182.99
	D	1323.80	1332.11	1330.86
	E	1617.98	1628.14	1626.61
	F	1912.16	1924.16	1922.36
	G	2206.33	2220.18	2218.10
	H	2647.60	2664.22	2661.72

being the amounts given by multiplying the amounts at (2) (h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

(3) That it be noted that for the year 2010/11 the West Midlands Police Authority and West Midlands Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwelling shown below:

Valuation Band	West Midlands Police Authority	West Midlands Fire Authority
	£	£

A	66.30	31.89
B	77.35	37.20
C	88.40	42.52
D	99.45	47.83
E	121.55	58.46
F	143.65	69.09
G	165.75	79.72
H	198.90	95.66

- (4) That having calculated the aggregate in each case of the amounts at (2) (i) and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2010/11 for each of the categories of dwellings shown below:

Valuation Band	Parts to which Parish of Parish of		
	no special item relates	Allesley	Keresley
	£	£	£
A	980.72	986.26	985.43
B	1144.17	1150.63	1149.66
C	1307.63	1315.02	1313.91
D	1471.08	1479.39	1478.14
E	1797.99	1808.15	1806.62
F	2124.90	2136.90	2135.10
G	2451.80	2465.65	2463.57
H	2942.16	2958.78	2956.28

108. Transfer of the 16-19 Funding from the Learning and Skills Council to the Local Authority

Further to Minute 110/09 of the Cabinet, the Council considered a report of the Director of Children, Learning and Young People, which sought approval of the proposals to manage the transfer of responsibility of 16-19 funding from the Learning Skills Council (LSC) to the Local Authority on April 1st 2010.

From April 2010, responsibility for securing sufficient education and training provision for all young people, including those aged 16-19 and 19-25 year olds with learning difficulties/disabilities, as well as juveniles in custody, was to pass from the LSC to local authorities. From April 1st, the Local Authority would become the commissioner of services from schools, colleges and other post 16 providers in order to deliver learning opportunities that equip young people with the skills that are relevant to the 21st century economy and environment.

In order to support local authorities and other key agencies to carry out their respective roles the government was consulting about a National Commissioning Framework. This outlined the responsibilities of local authorities, the Young People's Learning Agency (YPLA) the Skills Funding Agency (SFA) and Government Regional Offices. It also indicated how local authorities would participate in sub-regional and regional planning groups and, it had been agreed locally, that Coventry would join with Warwickshire to establish a sub-regional group.

Both Coventry and Warwickshire local authorities have kept head teachers and college principals up-to-date with developments through already scheduled network meetings. Coventry and Warwickshire Local Authority 14-19 officers had a long history of working collaboratively in order to develop support packages and implementation processes to assist schools, colleges and training providers to deliver the 14-19 Reform agenda.

The proposed outline terms of reference for the Coventry and Warwickshire 14-19 Sub-Regional Partnership Board, the Young People's Learning Division briefing note on the handover of financial arrangements for 16-19 Funding and the Department for Children, Schools and Families note summarising the terms of the Learning Skills Council/Local Authority transfer grant were detailed in the appendices to the report submitted.

RESOLVED that the City Council:

- (1) Agree to the creation of a Joint Partnership Board with Warwickshire, as outlined in section 2.2 of the report submitted.**
- (2) Agree to take responsibility for financial and audit requirements outlined in section 5.1 of the report, which includes taking responsibility from April 1st 2010 for LSC contracts totalling just over £39 million.**
- (3) Endorse the proposal outlined in section 5.2 of the report to carry out the new legal responsibilities stated in the 2009 Apprenticeship, Skills, Children and Learning (ASCL) Act.**
- (4) Approve the arrangements outlined in section 6.3 to complete the transfer of LSC staff to the LA from April 2010 within the Department for Children, Schools and Families (DCSF) funded transfer budget of £349,797.**
- (5) Endorse the six key priorities outlined in section 6 of the report.**

109. Personal Care at Home - Consultation Response

Further to Minute 111/09 of the Cabinet, the Council considered a report of the Director of Community Services which detailed the City Council's proposed response to the public consultation on proposals for regulations and guidance under the Personal Care At Home Bill, published by the Government on 25th November 2009. The Personal Care At Home Bill would amend the Community Care (Delayed Discharges etc) Act 2003 so as to remove the six week limit on the period for which personal care could be provided for free in a person's own home. The consultation questions sought views on the proposed regulations, guidance and funding allocation to support the Bill.

The Council noted that the Health and Social Care Scrutiny Board (Scrutiny Board 4) had considered the report at their meeting held on 17th February 2010, and a briefing note outlining their decision on this matter had been circulated in advance of the Cabinet meeting held on the 23rd February 2010. The Council further noted that the Cabinet had agreed two of the recommendations from the Scrutiny Board, set out at 2.1 (i) and 2.2 (ii) if the Briefing Note.

The Bill followed proposals announced in the 'Shaping the Future of Care Together' Green Paper, published in July 2009, to create a new National Care Service for social care. This Green Paper was based on the premise that the current system of social care funding was unaffordable, unsustainable and nationally inconsistent and proposed that fundamental changes were required to be made to the social care system, which represented a broad political consensus, including its funding mechanisms.

National demographic changes meant the number of older people and adults with disabilities who needed care would increase, as would the complexity of their care, while there would be fewer people of working age to support them. As well as increasing demand for services, improved health and wellbeing into later life resulting in increased life expectancy, combined with the rising expectations of an informed population meant the current system needed radical reform. A significant part of this whole-system reform must encompass the funding and charging systems between central government, local government, users of social care services and the public, including the benefits system.

A range of early stage proposals had been put forward, across the political spectrum, to progress some of the Green Paper principles. This consultation considered the introduction of free personal care at home as the first and interim step in setting up a National Care Service. However the full scope and funding arrangements for a new social care system had not yet been developed and this proposal placed significant additional costs on local authorities and the taxpayer on the basis of one element of a possible new system.

The Personal Care At Home Bill stated that where appropriate, a council would provide a period of intensive intervention or re-ablement to build or re-build skills and functioning to support people's independence. Councils would also identify adaptations or interventions (e.g. assistive technology), which might be appropriate to reduce dependency. A community care assessment would then be undertaken to assess eligibility under Fair Access to Care Services (FACS). An individual assessed in the highest FACS Band, Critical, would then have an assessment of their personal care needs, and where they needed help with four or more activities of daily living, would be offered free personal care to support them in their own home.

RESOLVED that the City Council approve the consultation response, including the following recommendations from the Health and Social Care Scrutiny Board:

- (1) The Board feels that there is no such thing as 'free personal care' - all care has to be paid for somehow, either by service users directly, or by national or local taxation.**
- (2) It is simplistic to propose that resources to fund these packages of care can be found from 'efficiency savings' and several years in to a succession of budgets set on the basis of annual efficiency savings, this may be unrealistic. If savings cannot be made, it may be necessary to increase the tax base. The debate then returns to the fact that most people want 'free personal care' but will not want to pay extra in tax.**

113. **Coventry Street Lighting PFI – Preferred Bidder Approval and Award of Contract**

Further to Minute 113/09 of the Cabinet, the Council considered a joint report of the Director of City Services and Development and the Director of Finance and Legal Services, which sought approval to proceed with the appointment of the Street Lighting Private Finance Initiative (PFI) Preferred Bidder and to permit employees to enter into the contractual documents on behalf of the Council for a 25 year PFI contract within an agreed set of parameters.

A corresponding private report, detailing commercially confidential and financial aspects of this proposal, was also submitted to the meeting (Minute 121 below refers).

As the Highway Authority, the Council were responsible for maintaining all lighting installations on the highway, some 38,000 assets in total, of which just under 32,000 were street lights with the balance including lit signs and bollards. The Council's existing lighting stock was predominantly old and continued to deteriorate due to an ongoing lack of adequate resources, both capital and revenue, to address the increased need for repairs and renewals. Consequently this led to a significant investment backlog. This outdated and life expired stock was also characterised by a significant proportion of lighting columns that provided poor quality lighting which did not comply with modern lighting standards. In addition to street lighting, the majority of the Council's illuminated signs and bollards were at the end of their useful life and required standardisation and modernisation.

In order to address the citywide obsolescence of the Council's street lighting infrastructure, the PFI project would provide the capital investment to stop the ongoing deterioration of street lighting assets. The PFI project would deliver a modernised city wide lighting renewals programme. This would include the replacement of around 28,000 lighting columns, all lanterns and illuminated signs and bollards along with the installation of a leading edge Central Management System (CMS). This system would significantly reduce energy consumption and maintenance costs. The CMS would also protect the Council over the next twenty five years against the inevitable hikes in energy prices.

Not investing in the street lighting infrastructure was not a viable option. This was due to the historic under investment in the lighting assets. The majority of the Council's existing assets were older than their original design life and were in need of replacement due to a number of problems relating to; the structural integrity of columns; and mechanical and electrical failures. These issues posed an ongoing risk to the Council which, to address, would require significant investment.

Proceeding with this project would deliver several significant benefits for the residents of Coventry. The new improved lighting infrastructure would be managed by remote control via the CMS and would mean a more reliable, flexible and energy efficient system. In residential areas of the City, a white light solution would be installed which would give greater clarity and representation of colour and features, and would help people to feel safer on their streets at night. The technical solution proposed would reduce the Council's street lighting energy consumption and, therefore costs significantly, along with a significant reduction in carbon dioxide emissions. Environmental issues had been addressed in the project and the impact on the environment would be minimised through reductions in energy consumption and decreases in light pollution. The residents of Coventry would receive an excellent street lighting system with better lighting, improved service standards and the ability to be flexible with the Council's future needs. This would include the ability to protect the Council against increases in the price of energy, and the possibility of increases in the Council's carbon reduction targets. Taking all of these issues into account, the project would deliver better value for money for the people of Coventry at

a cost that is similar to that which is already incurred for the Council's existing street lighting service.

PFI would also assist in the achievement of a number of the Council's strategic objectives that are identified in the Sustainable Community Strategy.

The Department for Transport (DfT) had fully supported the project at all stages of its development. The Outline Business Case (OBC) sought approval for £64.3 million of PFI credits and the DfT approved this sum in their Endorsement Letter dated 4th January 2008. The PFI Credits would meet all of the costs of the capital investment made during the first five years of the contract period.

The Council would make an annual payment (the Unitary Charge) that would cover the costs of replacing and maintaining the street lighting installations. The report submitted outlined how the Council would fund this payment through a revenue income stream generated by the PFI credits; the existing street lighting revenue budgets and the affordability gap.

Based upon the Final Tender provided by Bidder Y, the budget required for the PFI is within the affordability envelope previously approved at Cabinet and Council and therefore, additional funding was not being requested. A Final Business Case (FBC) would be submitted to the DfT for approval, followed by financial close. It was planned that (subject to approvals being obtained) service delivery would commence in August 2010.

RESOLVED that the City Council:-

- 1. Approve the submission of the Final Business Case to the Department for Transport for final funding approval; and**
- 2 Subject to the approval of the Final Business Case by the Department for Transport:-**
 - (a) Let the contract to Bidder Y as the successful bidder to deliver the street lighting PFI project on behalf of the Council; and**
 - (b) Delegate authority to the Director of Finance and Legal Services to enter into the following contractual documents on behalf of the Council:-**
 - (i) Project agreement between the Council and Bidder Y**
 - (ii) The direct agreement between the Council, Bidder Y and funder.**
 - (iii) All other ancillary documents relating to the project to which the Council is a party.**
 - (iv) Permit the authorised signatory within Finance and Legal Services to issue the certificates required under the Local Government (Contracts) Act 1997 to confirm the Council's powers for entering into this contractual**

documents.

- (v) **Grant an indemnity from the Council to the authorised signatory against any claim arising from the signature under the Local Government (Contracts) Act 1997 in respect of the project.**
- (vi) **Permit any changes to the above documents by the Director of Finance and Legal Services (in consultation with the Cabinet Member) provided any changes fall within the agreed parameters for all technical, legal and finance matters and specifically these are:**

Technical – to reflect the requirements of the Output Specification.

Financial - within the existing parameters approved at full Council on the 20 March 2007.

Legal – within the Standardisation of PFI Contract Version 4 (SoPC4) subject to any derogations from this being approved by the Department for Transport and Partnerships UK (PUK).

114. Local Government and Public Involvement in Health Act 2007 – New Executive Arrangements

The Council considered a report of the Director of Customer and Workforce Services which outlined the requirements under Schedule 4 to the Local Government and Public Involvement in Health Act 2007 for the Council to change its executive arrangements.

Where Local Authorities are operating old-style Leader and Cabinet executives there is a need to change to one of two possible forms of executive arrangement: directly elected Mayor and Cabinet or elected Leader and Cabinet.

The 2007 Act required the Council to pass a resolution to make the change to one of the new executive arrangements. This needed to be passed at a specially convened meeting no later than 31 December 2009. The Council did not meet this timetable and is therefore obliged by provisions in the 2007 Act to adopt the new style Leader and Cabinet model no later than the third day after its 2010 elections (9th May 2010).

Within the new Leader and Cabinet model, full Council would appoint the Leader, for a fixed term of office, at the Annual Meeting. As Coventry holds elections by thirds, this fixed term would be until the Annual Council Meeting following the Leader's normal date of retirement as a Councillor. The Leader would then appoint or remove such other members of his/her Cabinet as appropriate (within the statutory limits of between 2 and 9 members). A Deputy Leader must be appointed by the Leader who will hold office for the same period as the Leader unless he or she resigns, ceases to be a Member or is removed by the Leader.

RESOLVED that the City Council:-

- (1) **Adopt the new elected Leader and Cabinet (England) form of executive arrangement from 9 May 2010;**
- (2) **Retain the current provision for the Council to remove the Leader from office by resolution;**
- (3) **Maintain the current allocation of functions between the executive and the authority as detailed in the Scheme of Delegation including the allocation of local choice functions;**
- (4) **In relation to transitional arrangements, approve that the existing Leader in office at the time of the elections in 2010 remain in place until the Annual Meeting unless Recommendation (5) is required;**
- (5) **Should a Leader not be elected at the relevant annual meeting, authorise the existing Leader to appoint a Deputy Leader and Cabinet until a new Leader is appointed to discharge executive functions or should that not be possible to authorise that the existing deputy Leader become Leader and that s/he shall appoint a Deputy Leader and Cabinet to discharge executive functions until a new Leader is elected. Every Council meeting to require the election of a Leader until a new Leader is elected.**
- (6) **Approve the following amendments to the Constitution, with effect from three days after the local elections in 2010 (9 May 2010);**
 - (a) **the amendments to Articles 1, 2, 4 and 7 as set out in Appendices to this report; and**
 - (b) **the amendments to Part 3 - Scheme of Delegation, as set out in Appendices to the report; and**
 - (c) **the amendments to Part 4 - Council Procedure Rules, as set out in Appendices to the report**

115. Appointment to Outside Bodies - Foxford School Trust

The Council considered a report of the Director of Customer and Workforce Services which requested the nomination of a Councillor to act as a trustee/company director on the Foxford School Trust until the Annual Meeting of the City Council during the municipal year 2010/11.

RESOLVED that Councillor Mrs Bigham be nominated to act as trustee/company director on the Foxford School Trust for the period until the Annual Meeting of the City Council in May 2010, when it will be reviewed along with other appointments to outside bodies.

116. Recommendations of Independent Remuneration Panel – Proposed Amendment to the Members' Allowances Scheme regarding the withholding of allowances

The Council considered a report of the Director of Customer and Workforce

Services which outlined the recommendations of an Independent Remuneration Panel (IRP) set up to review the suspension of Members' allowances where a Member has been suspended following a breach in the Members' Code of Conduct.

On 8th December 2009, Council approved the recommendation of the Council's Standards Committee that the IRP should be convened to consider an amendment to the Council's Scheme of Members' Allowances to include a provision for the withholding of allowances in the event of a member being suspended as a member of the authority. The IRP had considered this issue and a copy of their recommendations was appended to the report.

The Monitoring Officer clarified that the recommendations were not retrospective and would only apply to any future suspensions.

RESOLVED that the City Council's current Scheme of Members' Allowances be amended by the addition of the following provisions:-

- (1) That where a member is suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, those parts of the Basic Allowance, any Special Responsibility Allowance and Travel and Subsistence Allowances payable to them in respect of the period for which they are suspended or partially suspended may be withheld by the authority**
- (2) That where payment of any allowance has already been made in respect of any period during which the member concerned is suspended or partially suspended from their responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part; the authority may require that such part of the allowance as relates to any such period be repaid to the authority.**
- (3) Additional note to be inserted in Part 6 of the Members Allowances Scheme section regarding the withholding of allowances.**

117. 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 O'Boyle	Councillor Mrs Johnson	Number of Cabinet Member decisions made this Municipal Year
2	Councillor McNicholas	Councillor Foster	Consideration of Petitions
3	Councillor Lucas	Councillor Taylor	Debate on Greenbelt Land
4	Councillor Townshend	Councillor Mrs Dixon	Calls to Contact centre over Christmas Period
5	Councillor Field	Councillor Noonan	Refuse Collections
6	Councillor Nellist	Councillor Sawdon	Heritage & Arts Trust – Staff Reductions
7	Councillor Mutton	Councillor Sawdon	2012 Olympics and Coventry
8	Councillor Mutton	Councillor Noonan	Side Waste Collections at flats on Abbey Road

118. Statement by the Leader of the Council

There was no statement.

119. Debate – Domestic Refuse Collection

Councillor Harvard moved the following motion, which was seconded by Councillor Townshend: -

"This Council apologises unreservedly to the people of Coventry for its failure to provide an efficient and effective domestic refuse collection service over the Christmas and New Year holiday period.

This Council acknowledges that such failure constituted a fundamental breach of trust with the people of Coventry.

The Council resolves to take the measures necessary to ensure that such failures never occur again."

The following amendment was moved by Councillor Noonan and seconded by Councillor Williams: -

1st paragraph, 1st line: after the word "for" delete "its failure to provide an efficient and effective" and replace with "the disruption to their".

Delete 2nd and 3rd paragraphs and replace with:

"This Council resolves to take the measures necessary to provide an efficient and effective service through improved communication with residents about their refuse collections, to work with staff to provide a 52 week collection service and see what more can be done to enable services to continue in exceptional weather conditions."

This amendment was carried giving rise to the following substantive motion:

"This Council apologises unreservedly to the people of Coventry for the disruption to their domestic refuse collection service over the Christmas and New Year holiday period.

This Council resolves to take the measures necessary to provide an efficient and effective service through improved communication with residents about their refuse collections, to work with staff to provide a 52 week collection service and see what more can be done to enable services to continue in exceptional weather conditions."

RESOLVED that the substantive motion as set out above be adopted.

Note: In respect of the above amendment, a recorded vote was required in accordance with paragraph 4.1.71 of the City Council's Constitution. The Councillors voting for and against the amendment were as follows:

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillor Adalat	Councillor Auluck	
Councillor Andrews	Councillor Bains	
Councillor Arrowsmith	Councillor Mrs. Bigham	
Councillor Bailey	Councillor Chater	
Councillor Blundell	Councillor Clifford	
Councillor Charley	Councillor Duggins	
Councillor Cliffe	Councillor Field	
Councillor Crookes	Councillor Harvard	
Councillor Mrs. Dixon	Councillor Kelly	
Councillor Foster	Councillor Khan	
Councillor Gazey	Councillor Lakha	
Councillor Mrs. Johnson	Councillor Lancaster	
Councillor Kelsey	Councillor Mrs Lucas	
Councillor Lapsa	Councillor McNicholas	
Councillor Lee	Councillor Maton	
Councillor Noonan	Councillor Mulhall	
Councillor O'Neill	Councillor J. Mutton	
Councillor Miss Reece	Councillor M. Mutton	
Councillor Ridge	Councillor Nellist	

Councillor Ridley
Councillor Sawdon
Councillor Skinner
Councillor Smith
Councillor Taylor
Councillor Mrs. Waters
Councillor Williams

Councillor O'Boyle
Councillor Ruane
Councillor Skipper
Councillor Mrs Sweet
Councillor Townshend
Councillor Windsor
Lord Mayor

Result: 26 for
26 against
0 abstentions

In accordance with Paragraph 4.1.72 of the Constitution, the Lord Mayor used his casting vote in favour of the amendment.

120. Debate – Recession and Local Authority Spending

Councillor Windsor moved the following motion, which was seconded by Councillor Nellist: -

"This Council, recognising the severe impact on employment and living standards brought about by the current recession, believes that plans for post election cuts in public spending of tens of billions of pounds are not only wrong, in that the victims of the economic crisis will suffer further rather than those who caused it, but that such level of cuts risks deepening the recession itself; and therefore calls on whichever party forms the next government not to pass the costs of the economic recession on to working people and their families, but to lift the current annual cuts in local authority funding brought about by the Gershon review, and sufficiently fund local authorities to allow affordable house building programmes, education and community facilities refurbishment, and other useful public works to be publicly funded and to provide continued employment in the city."

RESOLVED that the motion be not adopted.

Private Business

121. Coventry Street Lighting PFI – Preferred Bidder Approval and Award of Contract

Further to Minute 113 above, the Council considered a joint report of the Director of City Services and Development and the Director of Finance and Legal Services, which sought approval to proceed with the appointment of the Street Lighting Private Finance Initiative (PFI) Preferred Bidder and to permit employees to enter into the contractual documents on behalf of the Council for a 25 year PFI contract within an agreed set of parameters. The report contained confidential financial and contractual details relating to the proposal.

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

1. **Approve the submission of the Final Business Case to the Department for Transport for final funding approval and,**
2. **Subject to the approval of the Final Business Case by the Department for Transport, to:-**
 - (a) **let the contract to the Company identified within the report as the successful bidder to deliver the street lighting PFI project on behalf of the Council; and**
 - (b) **Delegate authority to the Director of Finance and Legal Services to enter into the following contractual documents on behalf of the Council:-**
 - (i) **Project agreement between the Council and the successful bidder.**
 - (ii) **The direct agreement between the Council, the successful bidder and funder.**
 - (iii) **All other ancillary documents relating to the project to which the Council is a party.**
 - (iv) **Permit the authorised signatory within Finance and Legal Services to issue the certificates required under the Local Government (Contracts) Act 1997 to confirm the Council's powers for entering into this contractual documents.**
 - (v) **Grant an indemnity from the Council to the authorised signatory against any claim arising from the signature under the Local Government (Contracts) Act 1997 in respect of the project.**
 - (vi) **Permit any changes to the above documents by the Director of Finance and Legal Services (in consultation with the Cabinet Member) provided any changes fall within the agreed parameters for all technical, legal and finance matters and specifically these are:**

Technical – to reflect the requirements of the Output Specification,

Financial - within the existing parameters approved at full Council on the 20 March 2007.

Legal – within the Standardisation of PFI Contract Version 4 (SoPC4) subject to any derogations from this being approved by the DfT and Partnerships UK (PUK)

(Meeting closed: 8.20 p.m.)