

COUNCIL OF THE CITY OF COVENTRY

24 June 2010

PRESENT

Lord Mayor (Councillor Kelsey)

Deputy Lord Mayor (Councillor Mulhall)

Councillor Abbott	Councillor Lakha
Councillor Andrews	Councillor Lancaster
Councillor Auluck	Councillor Lapsa
Councillor Bailey	Councillor Lee
Councillor Bains	Councillor Mrs Lepoidevin
Councillor Mrs. Bigham	Councillor Mrs Lucas
Councillor Blundell	Councillor McNicholas
Councillor Charley	Councillor J. Mutton
Councillor Chater	Councillor Mrs. M. Mutton
Councillor Cliffe	Councillor Nellist
Councillor Clifford	Councillor Noonan
Councillor Crookes	Councillor O'Boyle
Councillor Mrs. Dixon	Councillor Ridley
Councillor Duggins	Councillor Ruane
Councillor Field	Councillor Sehmi
Councillor Foster	Councillor Singh
Councillor Gazey	Councillor Skinner
Councillor Hammon	Councillor Skipper
Councillor Harrison	Councillor Smith
Councillor Harvard	Councillor Mrs Sweet
Councillor Mrs. Johnson	Councillor Taylor
Councillor A Khan	Councillor Townshend
Councillor T Khan	Councillor Walsh

Apologies: Councillor Kelly
Councillor Sawdon
Councillor Williams

Public Business

17. Minutes

The minutes of the meeting held on 20th May 2010 were agreed as a true record.

18. Birthday Honours List

The Lord Mayor referred to the awards made to the following people associated with the City in the recent Queen's Birthday Honours List:

- **OBE:**To Councillor Ken Taylor for services to local government.

- **OBE:**To Professor Brian Toft at Coventry University for services to healthcare.
- **OBE:**To Zahara Hyde Peters, coach for Coventry Godiva Harriers, for services to athletics.
- **MBE:** To Bernard Delaney of National Express Coventry for services to public transport.
- **MBE:** To David Dumbleton for services to the Church of England.
- **MBE:** To Peter Pinnell, former Director of the City Council and recently retired Chairman of Groundwork Coventry, for his services to regeneration.
- **MBE:** To Brenda Whitmore, Deputy Head of Hillfields Children's Centre, for services to children and families.

Members noted that letters of congratulations had been sent, on behalf of the City Council, to all recipients.

19. Petitions

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

- (a) Requesting the re-opening of Binley Road from the frontages of no 2 to no 18 – 42 signatures presented by Councillor O'Boyle.**
- (b) Objection to Planning Application R/2010/0659, Daventry Road – 260 signatures presented by Councillor Foster.**
- (c) Objection to Planning Application R/2010/0659, Daventry Road becoming a Netto supermarket – 1648 signatures, presented by Councillor Foster.**
- (d) Request to impose parking restrictions in Thomas Landsdail St, Hockett St, The Martyrs Close, Silksby St, Joan Ward St and Wrigsham St – 211 signatures, presented by Councillor Foster.**
- (e) Supporting the intention to include the entry at the side of 6 Triumph Close as part of the land at 6 Triumph Close – 11 signatures, presented by Councillor Mrs Dixon.**

20. 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:

Interests in Recommendations

Minute 25 - Blue Badge Reform Programme – Consultation Response

The following members declared personal interests on the above matter as either they or a member of their family were blue badge holders.

Councillor Mrs Bigham
Councillor Gazey
Councillor Lakha
Councillor Sehmi
Councillor Singh
Councillor Skinner

21. Far Gosford Street: Planning Applications and Stopping Up Orders

Further to Minute 3/10 of the Cabinet, the City Council considered a report of the Director of City Services and Development, which outlined proposals to apply to the Secretary of State for a stopping up order to stop up the existing highway to allow development to proceed at the three previously agreed development sites. The report also sought approval for the Council to be joint applicant for planning consent and for the addition of £1.3m to the capital programme for highway remodelling at the Gosford Street/Far Gosford Street junction, subject to approval of a full grant application to Advantage West Midlands.

In August 2009 Cabinet had agreed to a Compulsory Purchase Order (CPO) for Far Gosford Street. In order to demonstrate that the CPO can be delivered, authority was needed to ask the Secretary of State for a highway stopping up order (SUO) so that this process could be completed in time for a public inquiry, which was likely to be held in the Autumn. The SUO would give permission for development to take place on the highway at three sites agreed for development in the Far Gosford Street development brief, which was adopted by the Council as Supplementary Planning Guidance and formed part of a wider £30m plan to regenerate one the City's most historic areas.

A SUO would usually be applied for by developers after planning consent had been granted. But, the release of £1.3m of Advantage West Midlands (AWM) funding and the success of the CPO inquiry was dependent on the SUO being made ahead of the planning applications being approved. Without it, the CPO inquiry inspector may consider the schemes were undeliverable. As well as enabling the release of AWM funding, there were other advantages of applying for a SUO as soon as possible. Firstly, objections to both the CPO and the SOU could be heard at the same inquiry, thus avoiding the need for two inquiries and therefore saving time and money. It would also give the Council control of the timetable, increasing the likelihood of the CPO being agreed.

Legislation required the Council to become joint applicant with its development partner, Complex Development Projects Ltd (CDP), for planning applications at Sites 1, 2 and 5 on the location map appended to the report, which were a key part of the wider regeneration of the area.

In addition, approval was also requested to add £1.3m of capital funding to the Council's capital programme, subject to the approval of the application to AWM. This work would release an additional 0.2 hectares of highway land at the junction of Sky Blue Way, Gosford Street and Far Gosford Street to create a mixed use development site which

could include a new designer hotel.

There were no new financial implications for the Council: all costs will be met by Complex Development Projects Ltd (CDP) through a signed development agreement and by Advantage West Midlands (AWM) through grant.

RESOLVED that the City Council approve the addition of £1.3m to the capital programme for highway remodelling at the Gosford Street/Far Gosford Street junction, subject to approval by Advantage West Midlands of a full grant application, to release land for development.

22. Additional Highways Capital Programme Expenditure 2010/11

Further to Minute 5/10 of the Cabinet, the City Council considered a joint report of the Director of City Services and Development and the Director of Finance and Legal Services, which sought approval of additional spending of £3m on the highways investment and maintenance capital programme for 2010/11 beyond the amount approved in the budget report approved in December 2009. This proposal was in response to the need to improve the state of the Council's highways infrastructure as a matter of paramount importance.

The report indicated that the severe weather during the previous winter had exposed the weaknesses in many of the City's roads, creating an unprecedented number of potholes, and had resulted in a record number of complaints, and insurance claims, from members of the public. Coventry's Highways Asset Management Plan (which provided an inventory of roads, classifying them according to condition) predicted a continued decline in the quality of the City's roads at present spending levels. The Council had, therefore, identified highway maintenance as a priority for 2010/11 and requested that funding for an additional £3M be identified, to be used specifically to repair damaged road surfaces.

The Cabinet noted that it was essential that the Council implement a programme of repairs to ensure the roads were safe and to introduce a programme of preventative maintenance to prevent the ingress of water to reduce the likelihood of potholes forming.

It was proposed that the additional investment would be used to fund carriageway repair, using the various techniques available, such as overlays (£700,000), planning and patching (£700,000), thin surface treatments (£700,000), retread (£500,000) or resurfacing and reconstruction (£400,000). The criteria for the programme of works would be to ensure maximum coverage of the network to prevent a reoccurrence of the pothole problem and to deal with the worst first.

Given the stated intention to increase the prioritisation of highways repairs, the Directors of Finance and Legal Services and City Services and Development had analysed current budgets and reserve balances to identify funding sources for the additional expenditure required. £2m of the additional spending was proposed to be funded from non-highways related sources including Insurance Reserve (£0.5m), 2009/10 outturn underspent (£0.5m), management of the Capital Programme (£0.5m) and the 2010/11 allocation for budgetary control pressures (£0.5m).

As a result of the unprecedented in year budget cuts announced by the Government, the £1m funding identified in paragraph 5.3 of the report would need to be reassessed and that proposals for achieving the additional £1m funding from existing

Highways Capital Programme or other City Services and Development Schemes would be submitted to a future meeting of the Cabinet, along with details of which roads were most in need of repair. It was therefore proposed that paragraph 5.3 of the report be deleted.

RESOLVED that the City Council

- (1) Approve additional highways investment works in 2010/11 as outlined in section 2 of the report submitted.**
- (2) Approve additional funding sources of £2m as set out in paragraph 5.2 of the report and £1m of additional spending to be funded from existing Highways Capital Programme or other City Services and Development Schemes, details of which would be the subject of a further report to Cabinet.**

23. Review of Delegated Cabinet Member Decisions 2004 to 2010

Further to Minute 6/10 of the Cabinet, the City Council considered a report of the Director of Customer and Workforce Services, which outlined a review of the delegated Cabinet Member decisions taken between 2004 and 2010. The report also made recommendations regarding which of these should be retained as delegated powers and which should be removed from the Scheme of Delegation to employees and reverted to the Cabinet Member.

Under Section 4.4.3(a) of the Council's Constitution, Cabinet Members were able to delegate powers to employees. The functions which could be carried out by employees were contained within Part 3.8 of the Constitution – Functions Delegated to Employees. However, it was noted that the original holder of any powers was still able to exercise those powers.

In May 2010, the Leader of the Council requested a review of the decisions made by Cabinet Members between 2004 and 2010. During that time, 19 decisions were delegated to officers by Cabinet Members. These were listed by current Cabinet portfolio in Appendix A of the report submitted. For some Cabinet portfolios, there had been no powers delegated to employees at Cabinet Member meetings.

Cabinet Members had been consulted by their relevant Director about the powers which had been delegated to employees between 2004 and 2010 and it was proposed that a number of the delegated powers be removed from the Scheme of Delegation. It was noted that these proposed changes to the Scheme of Delegation (Functions Delegated to Employees) would need to be submitted to Council for approval. The revised delegations would take immediate effect following approval by Council.

RESOLVED that the City Council approve the amended Scheme of Delegations to Employees.

24. Law Commission Consultation on Reforming Adult Social Care Law – Consultation Response

Further to Minute 11/10 of the Cabinet, the City Council considered a report of the Director of Community Services which detailed the Council's response to a Government Consultation Document relating to the proposals to change Adult Social Care Law, published by the Law Commission.

The Health and Social Care Scrutiny Board (Scrutiny Board 5) had considered the report at their meeting held on 16th June 2010 (their Minute 2/10 refers) and a briefing note outlining their comments on this matter was tabled at the meeting.

The main recommendation from the Law Commission was that there should be one legal statute for Adult Social Care Law. The consultation proposal and subsequent questions focused on what should be included in the statute. The consultation was broken down into 13 different sections, reflecting the breadth of topics covered in the consultation document.

Once the consultation period had ended, the Law Commission would review and revise the proposals on the basis of all the feedback and start drafting a report which would set out their final recommendations for how the law should be changed. The final report will be published in 2011. Once the report has been published a draft bill would be produced for Parliament to implement the final recommendations.

RESOLVED that the City Council approve the consultation response.

25. Blue Badge Reform Programme

Further to Minute 12/10 of the Cabinet, the City Council considered a report of the Director of Community Services which detailed the Council's response to a Government consultation on the reform of the Blue Badge Scheme. The Scheme gave concessions to disabled people to park where particular restrictions may otherwise apply. Coventry City Council also gave the concession of free parking within the City Council's car parks and this played an important role in helping severely disabled people to access jobs, shops and other services.

The Health and Social Care Scrutiny Board (Scrutiny Board 5) had considered the report at their meeting held on 16th June 2010 (their Minute 3/10 refers). A briefing note outlining their comments on this matter was tabled at the meeting.

Following a review by the Department for Transport in 2008, a five year reform strategy was established in order to modernise the Scheme, addressing provision, administration, assessment, enforcement and the charging policy. To drive the reform forward, nine Centres of Excellence had been established across the country. In the West Midlands Region Coventry City Council and Birmingham City Council were jointly awarded Centre of Excellence status. Coventry was considered to have a well developed assessment process and action plan to tackle abuse of the scheme. The City Council and Birmingham City Council had been working closely to agree joint approaches to assessment and enforcement across both areas.

The consultation had sought views on improvements to enforcement for the Blue Badge Scheme, including amendments to primary and secondary legislation; amendments to primary legislation on appeals and a number of other specific areas of guidance; extending the eligibility criteria; and the distribution methodology for funding, in order to help local authorities to establish independent medical assessments.

RESOLVED that the City Council approve the consultation response.

26. Local Area Agreement and Corporate Plan – End Year Progress Report 2009/10

Further to Minute 13/10 of the Cabinet, the City Council considered a report of the Assistant Chief Executive which provided a review of the Council's performance against the Local Area Agreement and Corporate Plan objectives.

The Sustainable Community Strategy (SCS) and Local Area Agreement (LAA) established the vision for the Council and the Coventry Partnership in 2008. The Council aligned its Corporate objectives along those of the SCS and LAA in its Corporate Plan in September 2008. Appended to the report was a summary of the Council's performance against key LAA indicators, and a summary of the Council's performance in each of the SCS themes.

Performance against LAA targets would be difficult amid the cuts proposed in Central Government financing for Local Authorities. The Cabinet, at their meeting on 24th June had re-affirmed their commitment to providing good quality services despite these increased financial pressures.

RESOLVED that the City Council note the report and reaffirmed the commitment to continue to review the Local Area Agreement to ensure that the Council was taking the actions needed to achieve LAA priorities.

27. Statement of Accounts 2009/10

Further to Minute 4/10 of the Audit Committee, the City Council considered a report of the Director of Finance and Legal Services which set out the 2009/10 Statement of Accounts together with accompanying notes. The documentation was set out in a prescribed format and the City Council's Auditors and the Audit Commission would be auditing the statement over the next few months. An addendum to the Statement of Accounts 2009-10 was appended to the Audit Committee minutes which were tabled at the meeting.

The Statement was prepared in accordance with requirements of the Code of Practice on Local Authority Accounting, which defined proper accounting practice for local authorities. This would be the final year for which the Code and the City Council's accounts would be presented in compliance with UK Generally Accepted Accounting Policies (UKGAAP) accounting. From 2010/11 the accounts will move to being prepared in line with International Financial Reporting Standards (IFRS). The Audit Committee had already received briefings on IFRS and this would continue over the coming year.

UKGAAP accounting required the Council to prepare accounting statements including an Income and Expenditure Account and a Statement of Movement on the General Fund. The Council's Income and Expenditure Account for 2009/10 showed a deficit of £159m. The deficit did not reflect the genuine position of the Council's General Fund, which had an underspend of £1.6m. The difference between the Income and Expenditure Account and the General Fund was explained in Section 4 of the report.

Key elements from the Statement of Accounts were as follows:

- The Income and Expenditure Account recorded how much the Council had spent and received for the day to day spending on its services (revenue expenditure and income). It also showed how that net expenditure had been

funded - from the combination of Council Tax, National Non Domestic Rates and Central Government Grant (the Revenue Support Grant). The City Council deficit for 2009/10 was £159m.

- The Statement of Movement on the General Fund Balance. This statement showed how the deficit on the Council's Income and Expenditure Account for the year reconciled to the surplus/deficit for the year on the General Fund.
- Statement of Total Recognised Gains and Losses. This statement brought together all the gains and losses of the Council for the year.
- The Balance Sheet, a snap shot of the Council's financial position as at 31st March 2010 showing the Council's assets, liabilities, and reserves and balances as at that date. At the end of 2009/10 the City Council's net assets were £175m.
- The Cash Flow Statement showed actual cash received and spent by the Council as a result of revenue and capital transactions with third parties.
- The Council was required to maintain a separate account that records the transactions the City Council undertakes in relation to the collection and distribution of Council Tax and National Non Domestic Rates. This accounts showed income from Council Tax payers, and expenditure on payments, (known as precepts) to the City Council, the West Midlands Fire and Civil Defence Authority and the West Midlands Police Authority.
- Group Accounts statements consolidate the City Council's accounts with those companies considered to be part of our group. For 2009/10 those companies were North Coventry Holdings Ltd, Coventry North Regeneration, Coventry and Solihull Waste Disposal Company and the Arena Coventry Ltd.
- The Statement of Accounting Policies explained the main accounting policies the City Council used to produce the figures in the accounts. The general principles applied were those set out in the Accounting Code of Practice.

In addition to the above statements, a number of explanatory notes were included in section 3 of the Statement of Accounts document as specified in the Accounting Codes of Practice. The full Statement of Accounts was appended to the report. Once the Statement of Accounts had been audited by the Audit Commission, any material changes made to the Statement, would be reported to Members, informing you of those changes. This is required by the Accounts & Audit Regulations 2003.

RESOLVED that the City Council approve the Statement of Accounts for 2009/10 and the addendum to the Statement of Accounts 2009-10 and that the Chair of the Audit Committee be authorised to sign them on behalf of the City Council.

28. Annual Governance Statement 2009/10

Further to Minute 5/10 of the Audit Committee, the City Council considered a report of the Director of Finance and Legal Services which sought approval for the Annual Governance Statement, which formed part of the 2009-10 Statement of Accounts. Best practice, as reflected in the Corporate Performance Assessment of Use of Resources, required that the approval of this Statement was considered separately from the Statement of Accounts (Minute 27 above refers).

The City Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded

and properly accounted for, and used economically, efficiently and effectively. The City Council also had a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions were exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall responsibility, the Council was responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which included arrangements for the management of risk.

The City Council was also required to produce an Annual Governance Statement and include this Statement within its annual accounts. The requirement was based on guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) in conjunction with the Society of Local Authority Chief Executives (SOLACE) titled 'Delivering Good Governance in Local Government: A Framework' in 2007. The 2007 guidance replaced earlier guidance issued in 2001 and built upon recent developments in corporate governance and was based on six core principles:

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
- Members and officers working together to achieve a common purpose with clearly defined functions and roles.
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions, which are subject to effective scrutiny and managing risk.
- Developing the capacity and capability of Members and officers to be effective.
- Engaging with local people and other stakeholders to ensure robust public accountability.

The assurance gathering process developed to inform the Annual Governance Statement for 2009-10 included:

- An annual assessment of the adequacy of internal controls / governance arrangements by each Director.
- The outputs from the Internal Audit Service which are reflected in an annual report which identified those issues, which in the opinion of the Audit and Risk Manager, should be considered when producing the Annual Governance Statement.
- A review of the effectiveness of the Council's system of Internal Audit.
- Reports from external bodies received in the year, including those from the Council's external auditors, the Audit Commission.

A number of governance/control issues remained from the 2008-09 Annual Governance Statement, although progress had been made over the past year on improving controls in all the areas identified. The key reasons why they remain was that they were high profile areas closely aligned to delivering Council priorities and/or cover

Council-wide activities where improvements would take time to embed in practice.

RESOLVED that the City Council approve the Annual Governance Statement for 2009-10 (attached as Appendix 1 to the report submitted) and that the Leader and the Chief Executive of the Council be authorised to sign it on behalf of the City Council.

29. Amendments to Membership of City Council Bodies and Appointments to Outside Bodies

The City Council considered a report of the Director of Customer and Workforce Services which sought Council's approval to amend some memberships of City Council bodies and appointments to outside bodies which had been approved at the Annual Meeting of the Council on 20th May, 2010 and to appoint to some outside bodies that now required City Council representatives.

Resolved to approve the following amendments:

(a) Memberships of City Council Bodies

- (i) The replacement of Councillor Mrs Sweet with Councillor Singh on Children, Young People, Learning and Leisure Scrutiny Board (Scrutiny Board 2) with immediate effect.**
- (ii) The replacement of Councillor Singh with Councillor Sweet on Planning Committee with immediate effect.**
- (iii) The replacement of Councillor T Khan with Councillor McNicholas on Audit Committee with immediate effect.**

(b) Memberships of Outside Bodies

- (i) Coventry Learning Disabilities Partnership Board – Councillor Noonan to replace Councillor Mrs Johnson with immediate effect**
- (ii) Older Peoples Partnership Board – Councillor Noonan to replace Councillor Mrs Johnson with immediate effect**
- (iii) Belgrade Theatre Trust (Coventry) Limited – Councillor Welsh to replace Councillor Skipper with immediate effect**
- (iv) Coventry Mental Health Partnership Board – Councillor Clifford to replace Councillor Townshend with immediate effect**
- (v) Coventry, Solihull and Warwickshire Leaders Board – Councillor John Mutton (new appointment)**
- (vi) West Midlands Fire and Rescue Authority – Councillor Walsh to replace Councillor Khan with immediate effect.**
- (vii) Whitefriars Housing Group - Support the Whitefriars resolution to reduce the number of Board Members so that the number of Council representatives appointed to that Board be reduced from**

6 to 4 with effect from October 2010 for the reasons detailed in Paragraph 6 of the report submitted. Those members being Councillors Mrs Bigham, Maton (Lead Member), Ruane and Skinner.

(viii) Sidney Stringer Academy - Nominate Councillor Welsh and Ms Julie Sullivan as Authority Governors to the Governing Body of with effect from 1st September, 2010.

30. 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 J Mutton	Councillor Taylor (in his role as member of the Advantage West Midlands Board)	Impact of £41m cuts
2	Councillor Field	Councillor Harvard	PFI Street Lighting
3	Councillor Ridley	Councillor Bigham	Papal visit
4.	Councillor Lakha	Councillor Mutton	Green Belt development
5.	Councillor O'Boyle	Councillor Townshend	Dedicated youth space
6.	Councillor Singh	Councillor Townshend	Community Safety
7.	Councillor Lapsa	Councillor Singh	Play Champion
8.	Councillor Ridley	Councillor Bigham	Pool Meadow

31. Statement by the Leader of the Council

There was no statement.

(Note: Agenda items 6.1 (New Duty to Respond to Petitions) and 10.1 (Debate) were withdrawn at the meeting.

(Meeting closed: 4.53 pm)

