



Coventry City Council

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# **Council Meeting**

19 October 2010

**Booklet 2**

Recommendations

# **INDEX TO MINUTES**

Standards Committee, 14<sup>th</sup> October 2010

Cabinet Member (City Development), 14<sup>th</sup> October 2010

Cabinet, 19<sup>th</sup> October 2010

## STANDARDS COMMITTEE

14<sup>th</sup> October, 2010

Members Present:- City Council Members

Councillor R. Lakha  
Councillor K. Mulhall  
Councillor A. Williams

Independent Members

G. Allen  
C. Edden  
D. Jackson  
A. Patel  
Professor B. Ray  
J. Willetts

Parish Councillors

B. Shakespeare

Employees Present:- H. Abraham (Assistant Director (Democratic Services))  
T. Darke (City Services and Development)  
C. Forde (Council Solicitor/Assistant Director (Legal Services))  
J. McLellan (Customer and Workforce Services Directorate)  
R. Sykes (City Services and Development)

In attendance:- L. Collis (Work Experience)

Apologies:- D. Delieu  
D. Lilly

## **RECOMMENDATIONS**

### **9. Corporate Rules for Contracts**

The Committee considered a report by the Director of Finance and Legal Services which outlined the need for change to the existing Standing Orders and replace them with the proposed Rules for Contracts.

The Standing Orders and Administrative Procedures for contracts had been in place since 1998 and were attached as Appendix 1 to the report. It was proposed that these be replaced with the New Rules for Contracts which were attached as Appendix 2 to the report. Since 1998 there had been legislative changes and good practice procurement developments that were required to be incorporated to ensure the Council was achieving value for money and was legally compliant in how it procures works, goods and services.

A Procurement Board was established in December 2009, chaired by the Chief

Executive, and supported by Assistant Directors from each Directorate. The Board had considered the proposed revisions to the Rules for Contracts and were recommending to Standards Committee that these revised rules be adopted. The Government had also published proposals to require central and local government to publish electronically all spend and tender documentation above £500. This would provide openness and transparency in all procurements for goods and services.

The significant changes to the current rules were:-

- (a) The threshold where Officers were required to go out to public tender had been set at £50,000 in line with case law in the European Court of Justice. In addition, competitive quotations would be sought for requirements between £10,000 and £49,999 from a minimum of 3 suppliers, 2 of whom must be local where available. This would further ensure opportunity, openness and transparency for lower value procurements.
- (b) The opportunity for Officers to use the single tender process had been removed and replaced by an "exceptions to Rules for Contracts" process. In exceptional circumstances, Officers will need to seek approval from the Director of Finance and Legal Services before starting negotiations without tendering.
- (c) The Rules for Contracts includes a summary of the approvals process, contractual requirements and required procurement routes to be followed, dependent on the value of spend. This showed that approval was required from the Procurement Board to proceed with any expenditure over £156,000.

It was anticipated that these changes would improve control of expenditure in the Council whilst still allowing officers to deliver value for money in their procurement.

**RECOMMENDED that the City Council approve the new Rules for Contracts in place of Standing Orders and the Administrative Procedures relating to Contracts for the supply of Works and Services (including consultancies) and amend part 4 of the Constitution as shown in tracked change in Appendix 3 to the report.**

#### **10. Amendments to the Constitution – Procedures Rules on Public Speaking**

The Committee considered a report of the Director of Finance and Legal Services and the Development Manager which had previously been considered by the Constitution Working Group at their meeting on 5<sup>th</sup> October, 2010, which detailed proposed changes to the Planning Committee Procedures Rules on Public Speaking in Sections 4.10.1.3 and 4.10.1.4 of the Constitution and replace them with the proposed Procedure Rules on Public Speaking.

Appended to the report were the relevant parts of the existing Constitution (4.10). It was these that were proposed to be amended and replaced with the suggested changes to the Public Speaking procedures for Planning Committee. The changes were proposed to ensure the Planning Committee operated in a more timely and efficient manner which achieved best use of resources in terms of value for money, was legally compliant and was fair and transparent to all elected Members and the public.

The Constitution Working Group had suggested changes to the proposals so that

the right balance was struck between timeliness and efficiency whilst also allowing interested parties sufficient time to have their views heard by the Committee.

It was proposed:-

- (1) To amend the Planning Committee Procedure Rules on Public Speaking in Sections 4.10.1.3 and 4 of the Constitution such that:
  - (i) Members addressing Planning Committee in whatever capacity would be limited to a maximum of 5 minutes, with a further maximum of 2 minutes to summarise after all public speakers have spoken. All other speakers addressing the Committee (including petition spokespersons, applicants or their nominee) would be limited to a maximum of 3 minutes.
  - (ii) No more than one nominated speaker (apart from a Member) can speak either in support of or against an application and;
  - (iii) Speakers can only speak in respect of comments that have already been submitted in writing in respect of the application and;
  - (iv) A registered speaker wishing to have supporting information displayed to the Planning Committee during the meeting would be required to submit this to officers 24 hours before the start of the Planning Committee, and the content of the information to be displayed would be with the agreement of the Development Manager or nominee, and;
  - (v) Speakers would only be allowed one opportunity to address the Committee, irrespective of whether the application was deferred to a later Planning Committee. However, if material changes arise following the deferment, or there were exceptional reasons submitted by the speakers to address the Committee again, the Chair of Planning Committee had discretionary power to allow registered speakers an opportunity to address the Committee again, the Chair of the Planning Committee had discretionary power to allow registered speakers an opportunity to address the Committee on the new issues and;
  - (vi) No written or additional information shall be circulated to Members of the Planning Committee on the day of the Committee.

The Committee considered the report and discussed in detail the proposed procedure rules and particularly only allowing one public speaker for and one against on each application.

The Committee requested that the City Council be informed that they approved all of the report proposals except (ii). Concern was raised by limiting the amount of public speakers to one for and one against an application. In addition, this proposal would require officers to identify who the public speaker(s) should be which would require the cooperation of all members of the public wishing to speak. Should this not be possible it was felt that a fall back position should be provided whereby prior to the Planning

Committee, the Chair of the Planning Committee be able to assist in finalising the speakers. In view of this Standards Committee requested that the City Council give consideration to referring this proposal only back to the Constitution Working Group for further consideration.

The Appendix to the Minute details the tracked changes to Part 4.10 – Planning Committee Procedure Rules.

**RECOMMENDED that having regard to the views of the Standards Committee the City Council approve the amendment of Part 4.10 of the Constitution with the exception of 4.10.1.4 (v) and refer that to the Constitution Working Group for further consideration.**

**Planning Committee Procedure Rules**

4.10.1 The procedure at Planning Committee (the Committee) will be as follows.

4.10.1.1 General

The Committee will comprise the number of Councillors of the City Council appointed by the full Council at their annual meeting. There will be no provision for substitute Councillors to attend Committee meetings.

The quorum for all meetings (including site visits) will be five Councillors and no business will be transacted if any meeting or part of a meeting (or site visit) will not be quorate.

The Committee will meet at times and places appointed and published in accordance with the requirements of the Local Government Act 1972, as amended.

The Chair will preside over meetings of the Committee and, where the Chair is absent for the whole or part of the meeting, the Deputy-Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Deputy-Chair for either the whole of or part of a meeting, the Committee will appoint from those Councillors then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).

The Chair of the Committee meeting will be responsible for:

- (i) calling items for consideration as they appear on the Agenda,
- (ii) calling and allowing persons to speak at the Committee meeting,
- (iii) calling any matters for consideration which do not appear on the Agenda and for giving the reason(s) for the urgency of hearing such matters,
- (iv) maintaining good order at the Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a Councillor of the Committee), or to suspend the Committee meeting, in cases of disorder, until good order has been restored.

In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

Decisions of the Planning Committee are not subject to call-in.

4.10.1.2 Declarations

4.10.1.2.1 Declarations of Interests

Councillors and Employees will, in accordance with their respective Model Codes of Conduct, declare any interests they have in respect of any items appearing on that Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'declarations' on that Committee's Agenda or when that item is reached on the Agenda.

A Member of the Planning Committee who has asked that a particular application should be placed upon the agenda, rather than dealt with under delegated powers, will automatically be regarded as having a prejudicial interest in the application and must not take part in the deliberations on it.

4.10.1.2.2 Declarations of 'Contacts'

Councillors and certain Planning Employees (being the Committee Planning Officer who presents the report and the Planning Case Officer) will declare all 'contacts' they have received in respect of planning applications appearing on that Committee's Agenda.

Councillors' declarations of 'contacts' will be made at the outset of the meeting under the item listed as 'contacts' on that Committee's Agenda or when the application is reached on the Agenda.

Planning Employees' declarations will be made in the written report in respect of that application or verbally if received after publication of that report.

Councillors and Planning Employees will declare as 'contacts' those matters as they are defined in the 'Code of Good Planning Practice' as it appears elsewhere in this Constitution.

4.10.1.3 Petitions

The Procedure in relation to petitions to Planning Committee are set out in paragraph 4.9.4.

At Planning Committee the length of petition spokesperson's speeches will be limited to 5 minutes for Members and 3 minutes for all other speakers (including petition spokespersons, applicants or their nominee). ~~three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.~~

4.10.1.4 Consideration of Business on the Public Agenda and Public Speaking Scheme

The Committee will determine all applications for permissions, approvals and consents made to and consultations with the Council under the terms of reference of the Committee (all of which matters are referred to in these rules as 'applications'). All applications to be decided by the Committee will be dealt with as follows:



**Part 4.10 –Planning Committee Procedure Rules**

The Planning Officer will present the written report on the Agenda in respect of each item as called by the Chair. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will update the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.

Where the matter is one to which the Council's Scheme of Public speaking at the Planning Committee applies, the Chair will then call speakers who have been registered to speak on that application.

- (i) A 'registered speaker' will be a person (other than the applicant or their representative) who has made written representations on the application to planning employees and have registered to speak with the Customer and Workforce Services Directorate.
- (ii) Any registered speaker may request a ward Councillor for the ward containing the application site to speak on their behalf. No member of the Committee may speak under the Public Speaking Scheme and participate in consideration of that application as a Committee member.
- (iii) Members addressing the Planning Committee in whatever capacity will be limited to 5 minutes, with a further maximum of 2 minutes to summarise after all speakers have spoken. All other speakers addressing Planning Committee under the Public Speaking Scheme will be allowed up to 3 minutes to address the Committee. Speakers will address the Committee in the following sequence:
  - objectors,
  - supporters, and
  - the applicant (or their representative).
- (iv) Speakers will only be allowed one opportunity to address the Committee, irrespective of whether the application is deferred to a later Planning Committee. However, if material changes arise following deferment, or there are exceptional reasons submitted by the speakers to address the Committee again, the Chair of Planning Committee has discretionary power to allow registered speakers an opportunity to address the committee on the new issues.

~~Where more than one objector or supporter addresses the Committee, second and subsequent respective speakers will be expected to raise new issues.~~
- ~~(v) There shall only be one public speaker for and one against on each application. Where there is more than one objector who speaks, the applicant (or their representative) may, at the discretion of the Chair, be allowed longer than 3 minutes to address the Committee.~~
- (vi) No written additional information shall be circulated to Members of the Planning Committee on the day of committee. For the purposes of good order in the meeting and to avoid repetition, the Chair will be entitled to curtail public speaking where he or she deems this necessary. A registered speaker wishing to have supporting information displayed to the Planning Committee during the meeting will be required to submit this to officers 24 hours before the start of Planning Committee, and the content of the information to be displayed will be with the agreement of the Development Manager or nominee

(vii) For the purposes of good order in the meeting and to avoid repetition, the Chair will be entitled to curtail public speaking where he or she deems this necessary.

Following any speakers under the Public Speaking Scheme, Committee members (including the Chair) may speak on the application as called by the Chair and, where needs be, may question Employees on matters arising out of the application.

Employees may be required at any time after public speakers have been heard to address the Committee to answer questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.

Following consideration of the application the Chair will request the Committee to decide upon the application. Where the Committee are unanimous as to its decision on the application a vote will not be required. Where there is a difference of opinion as to its decision amongst Committee members, the Committee will move to a vote on the application.

Any dispute or question as to procedure at the Committee, including the operation of the Public Speaking Scheme, will be determined by the Chair, whose decision on all matters will be final.

#### 4.10.1.5 Voting

In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

All members of the Committee will have one vote. The Chair will have an extra casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.

The Chair will call for a vote where the Committee are not unanimous as to its decision on an application, unless no amendment to the recommendation is proposed or such amendment is withdrawn.

Voting will be either for the recommendation as it appears in the written report (or as amended by the Planning Officer verbally at the meeting) or for the amendment to the recommendation (as proposed by a member of the Committee). Where there is more than one amendment proposed, they will be voted on in the order in which they are proposed.

Any Councillor of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

#### 4.10.1.6 Private Items

In accordance with section 100 and Schedule 12A to the Local Government Act 1972 certain reports to the Committee, most notably those on planning enforcement, will be

***Part 4.10 –Planning Committee Procedure Rules***

exempt from publication and heard and determined by the Committee in private session. A resolution to enter into private session will be agreed in public by the Committee.

In relation to such 'private' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee as there will be no application for the Committee to determine.



## **CABINET MEMBER (CITY DEVELOPMENT)**

14<sup>th</sup> October, 2010

Cabinet Member

Present:- Councillor Mrs Bigham

Shadow Cabinet

Member Present:- Councillor Ridley

Employees Present:-

S. Claridge (City Services & Development Directorate)  
N. Clews (City Services & Development Directorate)  
T. Darke (City Services & Development Directorate)  
K. Gallagher (City Services & Development Directorate)  
L. Mongey (City Services & Development Directorate)  
J. Morley (City Services & Development Directorate)  
J. Mosey (City Services & Development Directorate)  
G. Paddan (Customer and Workforce Services Directorate)  
C. Pearson (City Services & Development Directorate)  
M. Rose (Customer and Workforce Services Directorate)  
J. Sprayson (City Services & Development Directorate)

Members of Public

Present:- Mr Frazier  
Mr & Mrs D. Norman (for consideration of matter in minute 15  
below – Petition Spokesperson)

### **RECOMMENDATION**

#### **17. Moat House Community Trust**

The Cabinet Member received a report of the Director of City Services and Development that sought approval for the appointment of two non executive directors from the City Council to the Board of Moat House Community Trust.

The report noted that the ten year New Deal for Communities (NDC) Programme would come to an end in March 2011. Under the terms of the programme the City Council had agreed with Department for Communities and Local Government (DCLG) a succession strategy for the NDC area. A key commitment made in the succession strategy was to support the establishment of Moat House Community Trust as a means to continue community involvement in the provision of services to the NDC area.

Currently the City Council was represented on the NDC Board. The Council's representatives on the NDC Board were Cllr Lynette Kelly and Cllr Kevin Maton. This representation was agreed at Council on 20th May 2010. The NDC Board would continue until the March of 2011 when the NDC Board would end. Moat House Community Trust was being established as a company and its resident led Board had invited nominations for Director's who represent a range of skills and experience.

Moat House Trust was established as a charity with a wholly owned trading subsidiary Moat House Enterprises Ltd. Currently there were three trading business units:

- Moat House Works – a grounds and building maintenance business.

- Purple Patch Communications – a marketing and communications business offering design and print, website design and construction, copy-writing and publications planning.
- Moat House Café – the catering café concession within the Leisure and Neighbourhood Centre has recently been taken on by the Trust in a joint venture with Coventry Sports Trust.

Moat House Community Trust would be endowed with assets acquired through the NDC to manage on behalf of the community. These include:

- The Old Health Centre (previously the NDC offices). This was leased to Whitefriars for a 5 year period.
- The Old Presbytery and the St Patrick's Community Centre land.
- Moat House Business Centre – would open early in 2011 and offer serviced office, workshop and warehouse premises.

Together these trading activities provided an income stream to secure the viability of the Trust and provide a sound base to build up this social enterprise for the future.

The Trust had also secured resources to appoint a community development worker who would take forward the 'One Voice' Community Forum and the work on securing and managing Neighbourhood Agreements with public agencies operating in the NDC area.

The Trust was established on the basis that it could have up to 15 directors; at least 50% must be residents of the area, the remainder, appointed by the Board would be representations of selected stakeholder agencies / organisations.

The report noted that the Trust had asked the Council to make two nominations:

- Councillor Kevin Maton, a local Ward Councillor, with a professional background in social enterprise development, skills which would be important to the development of the Trust.
- Carl Pearson, Assistant Director, Economy and Community, who had been a Council advisor to the NDC Board for the last eight years and had been instrumental in helping develop the succession strategy and the Trust.

The report recommended that the Council agree to the request as part of its contribution to ensuring successful succession following the completion of the NDC programme. The City Council does not have to nominate directors to the Trust and could decline the invitation to nominate directors.

**RESOLVED that, after due consideration of the report and the matters raised at the meeting:-**

- (1) the City Council will take up two places on the Board of Moat House Community Trust, one place being a Henley Ward Councillor, the other being a Senior Council Officer be agreed by the Cabinet Member (City Development)**
- (2) the City Council is recommended to agree to the Trust Board's request that Councillor Kevin Maton be nominated for one place, and Carl Pearson, Assistant Director for Economy and Community be nominated for the other place.**

## CABINET

19<sup>th</sup> October 2010

Cabinet Members Present: Councillor Mrs Bigham  
Councillor Clifford  
Councillor Duggins (Deputy Chair)  
Councillor Harvard  
Councillor Kelly  
Councillor Khan  
Councillor J. Mutton (Chair)  
Councillor O'Boyle  
Councillor Skipper  
Councillor Townshend

Non-Voting Opposition Representatives present: Councillor Foster  
Councillor Taylor

Other Members Present: Councillor Nellist  
Councillor M. Mutton

Employees Present: S. Brake (Community Services Directorate)  
F. Collingham (Chief Executive's Directorate)  
C. Forde (Finance and Legal Services Directorate)  
C. Green (Director of Children, Learning and Young People)  
M. Harris (Customer and Workforce Services Directorate)  
S. Iannantuoni (Customer and Workforce Services Directorate)  
J. McGuigan (Director of Strategic Planning and Partnership)  
J. Parry (Assistant Chief Executive)  
M. Reeves (Chief Executive)  
C. West (Director of Finance and Legal Services)  
M. Yardley (Director of City Services and Development)

## **RECOMMENDATION**

### **Public business**

#### **64. Declarations of Interest**

There were no declarations of interest.

#### **65. Formal Consultation in Respect of Staffing Reductions**

The Cabinet considered a report of the Director of Customer and Workforce services which set out staffing and budget implications arising from the need to make financial savings over the next four years of up to £146 million. The report sought approval to commence consultation on a voluntary/compulsory redundancy programme

and the implementation of management proposals.

As a result of grant reductions from Government, the Council would be required to make unprecedented financial savings, currently estimated at £146 million over the next four years. The Council was facing a projected significant budget deficit in 2011/12 and because a large proportion of Council spend (around 60%) goes on its pay bill, it was clear that it would not be possible to set a balanced budget without the proposal to reduce the number of Council employees. It was difficult to predict even the broad level of these savings with any degree of accuracy until after the Government's Comprehensive Spending Review (CSR) announcement on 20 October 2010 and subsequent announcements about a large number of grant funding streams.

The report indicated that every effort was already being made to identify non-staff cost reductions, including reviews of services, a vacancy freeze (recruiting only to the most essential posts), and by introducing a range of day-to-day cost saving measures including a reduction in the use of agency workers. However all of these measures will not generate enough savings to enable the Council to balance its budget. As employee costs were the Council's biggest expenditure, there was no alternative but to propose the reduction of post numbers to contribute to achieving the total overall saving. It remained very difficult to predict with any accuracy the overall number of post reductions that may be required until some time after the Comprehensive Spending Review. Estimates indicated that a planning assumption of around 1,000 posts should be used to guide human resource and financial strategies over the coming months.

In accordance with S188 of the Trade Union Labour Relations (Consolidation) Act 1992, the Council was required to enter into a formal minimum consultation period of 90 days where it proposes to reduce posts by more than 99 in a 90 day period. Consultation would be based on the reduction of post numbers through three specific management processes and would commence on 21 October 2010 and conclude on 19 January 2011. The report proposed the following:

- A voluntary/compulsory redundancy programme. Further information was detailed in the report.
- A reduction of management and supervisory posts in the organisation based on an organisational design model of no more than 6 tiers of management and spans of control of 1:5 to 1:10 or more, as appropriate to service need.
- Removal of posts currently funded through grant streams which will cease on 31 March 2011.

Staffing reductions would be achieved wherever possible through voluntary redundancy means. However, in the event that voluntary redundancy cannot achieve the necessary reductions then compulsory redundancies may be required.

The Cabinet indicated that the decision to remove posts that were grant funded was not being taken at this time, and that pending the outcome of the consultation the final decision would be taken during the budget setting process in 2011.

**RESOLVED that, in view of the staffing and budget implications as set out in the report, Cabinet requests that Council approve the commencement of**



**consultation on the following management proposals:**

- 1. A voluntary/compulsory redundancy programme.**
- 2. A reduction of management and supervisory posts in the Council based on an organisational design model of no more than six tiers of management and spans of control of 1:5 to 1:10 or more, as appropriate to service need.**
- 3. Removal of posts funded by the grant streams listed in this report where those grant streams will cease in 2011/12 as shown in Appendix 1, subject to the final decisions being taken in the budget report in 2011.**
- 4. The additional resources identified in section 5.1 are added to existing budgets to fund voluntary and early retirement costs.**
- 5. Following the consultation the Chief Executive will consult with the Leader and the Cabinet Members for Strategic Finance and Resources and Corporate and Neighbourhood Services to review the outcome of the consultation and the way forward**