



Coventry City Council

Cabinet Member for Business, Enterprise and Employment

Time and Date

10.00 am on Tuesday, 29th March, 2016

Place

Committee Room 2 - Council House

Public Business

1. **Apologies**

2. **Declaration of Interests**

3. **Minutes**

(a) To agree the minutes of:- (Pages 5 - 10)

a) The meeting of the Cabinet Member for Business, Enterprise and Employment held on 18 January, 2016

b) The Joint Meeting of Cabinet Members for Business, Enterprise and Employment and Public Services held on 2 February, 2016

(b) Matters Arising

4. **Exclusion of the Press and Public**

To consider whether to exclude the press and public for the items of private business for the reasons shown in the reports.

5. **Recommendations from the Business, Economy and Enterprise Scrutiny Board (3) Task and Finish Group on Selective Licensing** (Pages 11 - 46)

Report of the Executive Director of Place

Councillor Welsh, Chair of the Task and Finish Group, Councillor Lakha, Chair of the Business, Economy and Enterprise Scrutiny Board (3) and Councillor Sweet, Chair of the Planning Committee, have been invited to attend for consideration of this item.

6. **Proposal to Enter into an Exclusivity Agreement for Riley Square Shopping Centre** (Pages 47 - 56)

Report of the Executive Director of Place

7. **Freehold Disposal of Land at Lansdowne Street** (Pages 57 - 64)
Report of the Executive Director of Place
8. **Outstanding Issues** (Pages 65 - 68)
Report of the Executive Director of Resources
9. **Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved.**

Private Business

10. **Proposal to Enter into an Exclusivity Agreement for Riley Square Shopping Centre** (Pages 69 - 78)
Report of the Executive Director of Place

(Listing Officer: J Grant, Tel: 024 7683 3674)
11. **Freehold Disposal of Land at Lansdowne Street** (Pages 79 - 86)
Report of the Executive Director of Place

(Listing Officer: B Butterworth, Tel: 024 7683 2870)
12. **Any other items of private business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.**

Chris West, Executive Director, Resources, Council House Coventry

Thursday, 17 March 2016

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7683 3072 E mail Suzanne.bennett@coventry.gov.uk.

Membership: Councillor K Maton (Cabinet Member)
Councillors R Brown and J McNicholas (Deputy Cabinet Members)
By Invitation: Councillor G Crookes (Shadow Cabinet Member)
Councillors Welsh, Lakha and Sweet for Item 5

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Suzanne Bennett

Telephone: (024) 7683 3072

e-mail: Suzanne.Bennett@coventry.gov.uk

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Coventry City Council
Minutes of the Meeting of Cabinet Member for Business, Enterprise and
Employment held at 10.00 am on Monday, 18 January 2016

Present:

Members: Councillor K Maton (Cabinet Member)

Councillor R Brown (Deputy Cabinet Member)

Councillor G Crookes (Shadow Cabinet Member)

Employees (by Directorate):

Place: N. Clews, R Moon, A Walimia

Resources: S. Bennett, J. Sprayson

Others present: Petition spokesperson and two petitioners

Public Business

52. Declaration of Interests

There were no disclosable pecuniary interests.

53. Minutes

The minutes of the meeting held on 8 December, 2015, were signed as a true record.

There were no matters arising.

54. Exclusion of the Press and Public

RESOLVED that approval be given to exclude the press and the public under Section 100(A)(4) of the Local Government Act 1972 for consideration of the private report relating to “Release of Restrictive Covenants” on the grounds that that item involves the disclosure of exempt information, as defined in Paragraph 3 of Schedule 12A of that Act as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

55. Petition - Extra Car Parking Request - Eagle Street, Foleshill

The Cabinet Member for Business, Enterprise and Employment considered a petition bearing 293 signatures, together with a report of the Executive Director of Place which responded to the petitioners’ request that “Coventry City Council release the freehold land located behind Eagle Street Play Centre to Jamia Mosque, Eagle Street to enable users to park cars and keep on street parking to a

minimum". The petition spokesperson attended the meeting and spoke on behalf of the petitioners.

The report indicated that the petitioners request was primarily to permanently change the use of land from public open space to off street parking to deal with on street parking pressures associated with prayers at the Mosque on Friday lunchtimes. This would require planning permission for change of use and the declaration of this land as surplus to open space requirements before it could be disposed of by the City Council. Foleshill is under-provided for all types of greenspace and officers' advice is that planning permission for a change of use and declaring the site surplus to requirements on the basis of lack of need is unlikely to be forthcoming. Therefore the Council is unlikely to be in a position to sell the land to the Mosque for off-street parking.

The Council does not have any other land in the vicinity of the Jamia Mosque that could be used to help with parking during busy prayer periods. Consideration had also been given to a request from the petitioners to de-adopt a section of Eagle Street. However Highways officers had indicated that they would not support any such application because of access issues.

The report indicated that the Council could assist the Mosque with off street parking during busy prayer periods if they wanted to run a park and ride service at their expense from a nearby public car park.

The Cabinet Member expressed his sympathy for the petitioners, noting that the Mosque had been in its current location since the 1960's and had experienced a significant increase in its usage numbers during that period. The Cabinet Member also noted that the land in question would only provide a small number of the parking spaces that were required to alleviate the parking problem and that a more comprehensive solution was needed.

RESOLVED that the Cabinet Member for Business, Enterprise and Employment:-

- (1) Receives and notes the petition**
- (2) Refuses the petitioners request on the basis detailed in the report**
- (3) Offers to help the Mosque with its parking pressures through the use of public car parking if they want to run a shuttle service at their expense during busy prayer periods.**

56. Outstanding Issues

The Cabinet Member received a report of the Executive Director of Resources that identified those items which the Cabinet Member had requested further reports on.

The Cabinet Member noted that there was currently no progress to report on options for The Employment Support Service and that therefore the amended date for consideration of this item would be 21 March, 2016.

57. **Any Other items of Public Business**

There were no other items of urgent public business.

58. **Release of Restrictive Covenants**

The Cabinet Member for Business, Enterprise and Employment considered a report of the Executive Director of Place that sought approval to the release of restrictive covenants.

RESOLVED that the Cabinet Member for Business, Enterprise and Employment:-

- (1) Approves the terms negotiated for the release of covenants as detailed in the report.**
- (2) Delegates authority to the Executive Director of Place and the Executive Director of Resources to conclude the documentation required to release the covenants.**

59. **Any Other Items of Private Business**

There were no other items of urgent private business

(Meeting closed at 11.00 a.m.)

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Coventry City Council
Minutes of the Meeting of Joint Meeting of Cabinet Members Business, Enterprise and Employment and Public Services held at 12.00 pm on Tuesday, 2 February 2016

Present:

Members: Councillor R Lancaster (Cabinet Member for Public Services)

Councillor K Maton (Cabinet Member for Business, Enterprise and Employment)

Councillor R Brown (Deputy Cabinet Member for Business, Enterprise and Employment)

Councillor G Crookes (Shadow Cabinet Member for Business, Enterprise and Employment)

Councillors J Lepoidevin and P Male, Woodlands Ward Councillors

Councillor R Lakha

Employees (by Directorate):

Place: N. Clews, S. Morris, A Walimia, A Walster

Resources: S. Bennett, J. Sprayson

Apology:: Councillor J McNicholas (Deputy Cabinet Member for Business, Enterprise and Employment)

Public Business

1. Appointment of Chair for the Meeting

RESOLVED that Councillor Maton be appointed as Chair of the Joint Meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Acquisition of Land at Bannerbrook Park for Public Open Space

The Cabinet Members considered a report of the Executive Director of Place which indicated that following a long running issue in the Bannerbrook Park Development on the future provision of street cleaning and grounds maintenance between the developer Permisson and residents, the City Council have been approached by Persimmon Homes South Midlands to manage an area of land as public open space.

The report sought approval to acquire approximately 4.8 acres of open space land from Persimmon Homes South Midlands to Streetscene and Greenspace Portfolio, Place Directorate. The cost of acquiring the land will be nil consideration, however, the freehold transfer will include a maintenance bond of £127,135 to cover a 10 year period and one-off cost of £2, 097 for remedial works on existing trees.

The Cabinet Members recognised issues raised by Ward Councillors at the meeting in relation to residents' concerns regarding the maintenance of other areas of open space within the Bannerbrook Park development, but noted that these issues were private matters, to which the City Council has no privity of contract. The Cabinet Members also noted that officers had indicated to the developer that they were open to further discussions in relation to other areas of open space.

RESOLVED:-

- (1) That the Cabinet Member for Business, Enterprise and Employment approves the acquisition of the land shown edged red on the plan attached to the report to the Place Directorate on the terms now indicated.**
- (2) That the Cabinet Member for Public Services accepts the said land to be held within the portfolio of Streetscene and Greenspaces and maintained by the Council as Public Open Space on the basis set out in the report.**

4. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

(Meeting closed at 12.25 pm)



Public report
Cabinet Member

Business, Economy and Enterprise Scrutiny Board (3)
Cabinet Member for Business, Enterprise and Employment

27 January 2016
29 March 2016

Name of Cabinet Member:

Cabinet Member for Business, Enterprise and Employment - Councillor K Maton

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

St. Michael's Ward, excluding the city centre within the ring road

Title:

Recommendations from the Business, Economy and Enterprise Scrutiny Board (3) Task and Finish Group on Discretionary Licensing

Is this a key decision?

No

Executive Summary:

A task and finish group was created by the Business, Economy and Enterprise Scrutiny Board (3) at their meeting on 19 June 2014 to consider the practicalities and implications of introducing a licensing scheme for the private rented sector.

This report considers whether certain areas of the city meet the Government's required criteria for implementing such a scheme. This included the examination of data available on percentages of private rented properties, anti-social behaviour and levels of deprivation for all wards of the city.

Recommendations:

The Business, Economy and Enterprise Scrutiny Board (3) is recommended to:

- (1) Support the recommendations to the Cabinet Member
- (2) Receive a further report on progress against the recommendations in 12 months-time.

The Cabinet Member is recommended to:

- (1) Initiate the statutory process to implement a selective licensing scheme in St. Michael's Ward (minus the city centre) of the city.
- (2) Pending the consultation in recommendation 1), consider at the same time, the financial feasibility of implementing a selective licensing scheme in the St. Michael's Ward of the city.

- (3) Actively encourage landlords to join a landlord's accreditation scheme. Appropriate discounts on licences will be granted to those landlords who have houses in the proposed licensing area.
- (4) Bring any further decisions for the Cabinet Member on implementing a selective licensing scheme to the appropriate Scrutiny Board for comment before a decision is taken.

List of Appendices included:

Appendix 1: Report of the Business, Economy and Enterprise Scrutiny Board (3) Task and Finish Group on Discretionary Licensing.

Background papers

None

Other useful documents:

Coventry Housing & Homelessness Strategy 2013 - 2018.
Private Sector Stock Condition Survey 2013

Has it been or will it be considered by Scrutiny?

Yes – 27th January 2016

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

No

Will this report go to Council?

No

Report title:

Recommendations from the Business, Economy and Enterprise Scrutiny Board Task and Finish Group on Selective Licensing

1 Context (or background)

- 1.1 During the Municipal year 2013/14, Scrutiny Co-ordination Committee established a Task and Finish Group to look at the issue of Houses in Multiple Occupation. One of the outcomes of this review was that licensing for private rented sector housing be looked at in more detail and at their informal meeting on 19th June 2014, the Business, Economy and Enterprise Scrutiny Board (3) agreed to establish a Task and Finish Group to undertake this task. The task and finish group first met on 19th October 2014 and have met seven times.
- 1.2 Concerns were raised as part of the consultation process on some of the housing conditions experienced in the private rented sector and it was recognised that this wasn't limited to houses in multiple occupation or smaller shared housing, but to the private rented sector as a whole. This is supported by information from the Private Sector Stock Condition Survey, reported in 2013. The areas of the city that have the highest number of properties that are considered to be non-decent are St. Michael's. Lower Stoke, Foleshill and Whoberley. Both St. Michael's and Foleshill have the highest proportion of private rented property.
- 1.3 The Draft Coventry Private Sector Stock Condition Survey 2013 reported that Coventry has a higher proportion of non-decent homes (37%) than England (36%). However there are areas of the city that have a considerably higher proportion than the England average. 11 wards have higher than England with Foleshill (49%) and St. Michael's (47%).

2 Options considered and recommended proposal

- 2.1 Option 1 – Do Nothing
- 2.2 This option was not considered further as inaction would result in the status quo or even degeneration in areas of the city already experiencing poor housing conditions, anti-social behaviour and multiple-deprivation.
- 2.3 Option 2 – Request the Cabinet Member initiate the process to introduce selective licensing city wide.
- 2.4 This option was not considered further as Government guidance states that Local authorities will be required to obtain confirmation from the Secretary of State for any selective licensing scheme which would cover more than 20% of their geographical area or would affect more than 20% of privately rented homes in the local authority area. Also, although Coventry has certain areas of the city that meet the required criteria, this does not apply to the city as whole. Therefore it was not considered viable to suggest the whole of the city be considered for selective licensing.
- 2.5 Option 3 (Recommended proposal) - Initiate the process to implement selective licensing in a specific area of the city that meets Government criteria - St. Michael's Ward, excluding the city centre.
- 2.6 Members of the Business, Economy and Enterprise Scrutiny Board (3)'s task and finish group on Selective Licensing, looked at the criteria for implementing discretionary licensing schemes in detail and identified the area of the city that would most benefit from the implementation of a scheme and be likely to meet the criteria.

- 2.7 The task and finish group considered:
- The local context and background
 - Detail on different kinds of discretionary licensing
 - The desired outcome of implementing a licensing scheme to key stakeholders
 - Government guidance
 - The data in Coventry City Council
 - Financial analysis
 - Information from other areas
- 2.8 A detailed report on what the task and finish group covered can be found at Appendix 1.
- 2.9 After considering the options available the task and finish group decided to investigate further the option of selective licensing in a specific area of the city that meets Government criteria.
- 2.10 Selective licensing gives local authorities the powers to licence privately rented accommodation in a prescribed area where there is low housing demand, or a serious problem with antisocial behaviour and that the problem is compounded by landlords who are not properly managing their properties.
- 2.11 Guidance from the Department for Communities and Local Government**
- 2.12 From 1st April 2015, the Department for Communities and Local Government issued new guidance which amended the criteria for local authorities implementing licensing schemes. These new criteria require that for an area to be considered for licensing it must have a higher than the national average proportion of private rented homes (19%) occupied under assured tenancies or licences and one of the following:
- a) Poor property conditions
 - b) High levels of migration
 - c) High levels of deprivation
 - d) High levels of crime
 - e) Low housing demand
 - f) High levels of anti-social behaviour
- 2.13 Data**
- 2.14 Members of the task and finish group considered data available on numbers of private rented properties, levels of deprivation measured by the Index of Multiple Deprivation (IMD) and anti-social behaviour reported to the police, noise complaints and fly-tipping to identify whether any areas of the city met the above criteria.
- 2.15 It was agreed that, when considering the data on a ward level, that information for St. Michael's Ward would exclude data from the city centre, where possible. Whilst the reporting of ASB is a signifier in relation to evaluating whether an area should be included for selective licensing, figures relating to the city centre area of St Michael's (inside the ring road) were discounted as so many of the ASB incidents are unrelated to residential properties because there is relatively little accommodation within the City Centre. Therefore it was agreed that excluding the data from inside the city centre would make St. Michael's more comparable to other wards of the city.
- 2.16 From the data provided, Members were able to establish that out of all Wards, St. Michael's Ward has the highest proportion of private rented property, 52% of households in St. Michael's are privately rented. This is compared to the national average of 19%, as defined in the English Housing Condition Survey 2014.

- 2.17 Members used the Index of Multiple Deprivation to identify levels of deprivation. The 2015 index shows that Foreshill is the most deprived ward in the city, ranked 169 out of 7529 in England. St. Michael's is the 4th most deprived in the city, 517 in England, within the 7% most deprived in England.
- 2.18 Members also heard that St. Michael's Ward experiences high levels of anti-social behaviour incidents recorded by the police, fly-tipping and noise complaints.
- 2.19 From the data provided against the government criteria set (section 2.12), Members were able to identify that St. Michael's Ward, excluding the city centre, would benefit from and meet the Government criteria for implementation of a selective licensing scheme.
- 2.20 For more detail on the data available please see Section 7 in Appendix 1
- 2.21 **Financial analysis**
- 2.22 Any selective licensing scheme will need to be self-financing. Licensing revenue can be used for licensing activities only i.e. inspection and administration of the scheme – it does not cover enforcement.
- 2.23 There are additional costs of a scheme which include:
- Consultation and set up
 - Overhead and general administrative costs
 - Enforcement
 - Landlord support
- 2.24 Having identified St. Michael's Ward as a proposed area, finance officers were able to propose an appropriate selective licensing fee per property. This information has been based on the number of properties in the proposed area, the costs of processing an individual licence, the set up costs for a licensing scheme and total anticipated discounts.
- 2.25 Using information which can be found in Table A overleaf, the proposed cost of a selective licensing fee per property, allowing for discounts, would be £773.95.

Table A

Total Proposed Cost of Selective Licensing		
a	Total number of privately rented properties in St Michael's (excluding the City Centre)	3,196
b	Individual licensing process cost per property	£713.42
c	Total licensing process cost for all properties (b x a)	£2,280,080.73
d	Set up costs for Selective Licensing	£27,887.19
e	Set up Costs for Selective Licensing per property	£8.73
f	Total licensing cost (c + d)	£2,307,967.92
g	Selective licensing fee per property (before potential discounts)	£722.14
h	Total anticipated discounts granted	£165,569.92
i	Total licensing cost after paying discounts (f + h)	£2,473,537.84
	Selective licensing fee per property (allowing for discounts) (i / a)	£773.95

2.26 Certain homes are exempt from selective licensing and these are detailed in the Selective Licensing of Houses (Specified Exemptions) Order 2006. This information will be detailed in any consultation process undertaken. More information can be found at the link below.

https://www.landlords.org.uk/sites/default/files/librarypdfs/1/Licensing/Selective_Licensing_Exemption_Regulations.pdf

3 Results of consultation undertaken

- 3.1 This report is recommending that the Cabinet Member for Business, Enterprise and Employment, initiate the process to implement a selective licensing scheme, which includes a public consultation requirement with all key stakeholders. The responses to this consultation should be considered before a final decision to implement a licensing scheme is taken.
- 3.2 The Housing Act 2004 states that when considering designating an area the local housing authority must:
- take reasonable steps to consult persons who are likely to be affected by the designation, and,
 - consider any representations made in accordance with the consultation.
- 3.3 Guidance on implementing selective licensing has been issued by the Department for Communities and Local Government (DCLG). The guidance states that:

“The consultation should be informative, clear and to the point, so the proposal is readily understood. It should inform local residents, landlords, letting agents and businesses about the proposed designation, giving the reasons for proposing it, why alternative remedies are insufficient, demonstrating how it will tackle specific problems together with other specified measures, and describing the proposed outcome of the designation. It should also set out the proposed fee structure and level of fees the authority is minded to charge (if any). Consultees should be invited to give their views, and these should all be considered and responded to.

Once the consultation has been completed the results should then be published and made available to the local community. This should be in the

form of a summary of the responses received and should demonstrate how these have either been acted on or not, giving reasons.”¹.

4 Timetable for implementing this decision

- 4.1 If the Cabinet Member approves the recommendations the required statutory consultation process will begin.
- 4.2 Once the statutory consultation process has been completed a report, based on the feedback from the consultation, will go to the Cabinet Member, to make a decision whether to implement the proposed scheme.

5 Comments from Executive Director of Resources

Financial implications

The operation of a selective licensing scheme has to be cost neutral to the local authority so the license fee has been set at a level that will ensure this. However, this scheme only covers the cost of inspection.

- 5.1 Any additional enforcement required, as a result of the selective licensing scheme, will be performed within existing budgets, by the Planning and Housing Enforcement Team who are based within the Planning and Regulation Service.

5.2 Legal implications

The criteria and process for introducing a selective licensing scheme for the private rented sector is clearly detailed in the Housing Act 2004 and specific guidance. These will be adhered to, to reduce the risk of legal challenges from interested parties.

6 Other implications

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

If a selective licensing scheme were to be introduced it would support the **Council Plan**, as part of the section on “Globally connected - Increasing the supply, choice and quality of housing”.

A scheme would also support the implementation of the **Housing and Homelessness Strategy 2013-18**, as part of Theme 3, the priority to improve property conditions and management standards in the private rented sector, and part of Theme 4, improve the quality of our neighbourhoods to support safe, inclusive and cohesive communities.

The implementation of a selective licensing scheme in parts of St. Michael’s Ward, which in one of the areas that experiences some of the worst health inequalities in the city, would support the Council’s role as a Marmot City. In the report Making a Difference in Tough Times the section on Creating and Developing Healthy and Sustainable Places and Communities explains that:

“The health and wellbeing of individuals is influenced by the communities in which they live. People’s health is affected by the nature of their physical

¹ Selective licensing in the private rented sector A Guide for local authorities (March 2015, Department for Communities and Local Government)

environment; living in poor housing, in a deprived neighbourhood with a lack of access to green spaces impacts negatively on physical and mental health.”

6.2 How is risk being managed?

Increased rents: There is risk that selective licensing could lead to increased rents for tenants as landlords seek to pass on the cost of the licensing fee. In reality, rents are subject to market forces and landlords will charge the market rate. In practice if the licence fee was passed on to tenants it would amount to less than £3 per week. This needs to be set against the potential improvements in the housing conditions that could be attained through selective licensing and the improvement to residential amenity to surrounding occupiers.

Potential of judicial review from landlord associations. There is a risk that any proposed selective licensing scheme could be challenged if there is insufficient evidence to justify the need for such a scheme, or the Council has failed to follow the correct legislative procedures in a schemes introduction. In defence of any challenge, in the document attached to this report, the Council has produced evidence which it believes is sufficient to demonstrate that such a scheme is justified. If the Council decides to proceed with selective licensing the process will be project managed to ensure that the legislative process is followed to minimise the risk of challenge.

6.3 What is the impact on the organisation?

The proposed selective licensing fee has been set at a level to generate income which is sufficient to recruit, equip and accommodate a team of suitably qualified officers, who will set up and administer the selective licensing scheme. This paragraph should be read in conjunction with paragraph 5.1 and 5.2.

The implementation of the scheme will improve accommodation within the ward and the lives of residents in both the properties and surrounding properties. This should therefore reduce the number of complaints received into the authority, as the issues are dealt with proactively rather than reactively.

6.4 Equalities / EIA

The Council has a role in ensuring a good mix of housing in the city to meet the needs of different communities. It should be noted by the Cabinet Members that the areas of the city with highest numbers of private rented sector housing also have a higher proportion of BME residents than the city as a whole. Also, a higher proportion of people from BME communities live in private rented housing compared to people of White British ethnicity.

This is not a causal relationship but the impact of any policy that affects these areas should be assessed for the impact on this protected group.

6.5 Implications for (or impact on) the environment

Improvement in housing conditions will have a positive effect on the environment as properties will become more energy efficient and reduce fuel consumption, as well as reduce fuel poverty.

There are clear research findings that show that the local environmental quality in a persons living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased fear of crime.

6.6 Implications for partner organisations?

None.

Report author(s):

Name and job title: Gennie Holmes, Scrutiny Co-ordinator

Directorate: Resources

Tel and email contact: 024 7683 1172, gennie.holmes@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Resources	5/1/16	5/1/16
Helen Caves	Environment and Housing Enforcement Officer	Place	5/1/16	
Tom Evans	Analyst, Insight	People	5/1/16	6/1/16
Angela Hands	Public Health Practitioner	People	5/1/16	6/1/16
Craig Hickin	Head of Environmental Services	Place	5/1/16	5/1/16
Tracy Miller	Head of Planning and Regulation	Place	5/1/16	8/1/16
Liam Nagle	Offender Management Strategy Officer	Place	5/1/16	
Alan Quinlan	Housing Enablement Officer	Place	5/1/16	6/1/16
Other members	-	-		
Cllr Welsh	-	-	8/1/16	8/1/16
Cllr Galliers	-	-	8/1/16	8/1/16
Cllr Bigham	-	-	8/1/16	8/1/16
Cllr Skinner	-	-	8/1/16	8/1/16
Cllr Walsh	-	-	8/1/16	8/1/16
Names of approvers for submission: (officers and Members)				
Cath Crosby	Lead Accountant – Business Partner	Resources	5/1/16	7/1/16
David Joy	Licensing and Regulatory Solicitor	Resources	5/1/16	7/1/16
Jas Bilen	Business Partner	Resources	5/1/16	7/1/16
Andrew Walster	Assistant Director – Streetscene and Greenspaces	Place	5/1/16	8/1/16
Martin Yardley	Executive Director	Place	8/1/16	8/1/16
Councillor R Lakha	Chair of Business, Economy and Enterprise Scrutiny Board (3)	-	8/1/16	8/1/16
Councillor K Maton	Cabinet Member for Business, Enterprise and Employment	-	8/1/16	8/1/16

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REPORT OF THE BUSINESS, ECONOMY AND
ENTERPRISE SCRUTINY BOARD (3)
TASK AND FINISH GROUP ON DISCRETIONARY
LICENSING



January 2016

Report of the Business, Economy and Enterprise Scrutiny Board (3) Task and Finish Group on Discretionary Licensing

January 2016

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1 Introduction

- 1.1 During the Municipal year 2013/14, Scrutiny Co-ordination Committee established a Task and Finish Group to look at the issue of Houses in Multiple Occupation. One of the outcomes of this review was that licensing for private rented sector housing be looked at in more detail and at their informal meeting on 19th June 2014, the Business, Economy and Enterprise Scrutiny Board (3) agreed to establish a Task and Finish Group to undertake this task. The task and finish group first met on 19th October 2014 and have met seven times.

2 Local context and background

- 2.1 Through the review into Houses in Multiple Occupation (HiMO's), it was recognised that there were issues with the private rented sector generally in the city, not just those in multiple occupation. Coventry has an increasing private rented housing sector and concern has been raised from residents as to the quality of some the housing provided by the sector. Residents in some areas of the city have also experienced anti-social behaviour, fly-tipping and noise nuisance in areas where there are large numbers of rented property.
- 2.2 The Draft Coventry Private Sector Stock Condition Survey 2013 reported that Coventry has a higher proportion of non-decent homes (37%) than England (36%). However there are areas of the city that have a considerably higher proportion than the England average. 11 wards have higher than England with Foleshill (49%) and St. Michael's (47%).
- 2.3 Local authorities are able to introduce discretionary licensing for rented property, in addition to the mandatory licensing required for large houses in multiple occupation.¹ This discretionary licensing can either be selective or additional licensing. Additional licensing gives local authorities the powers to licence additional categories of HiMO's in a prescribed area, not included under the mandatory licensing scheme. This can help where there are perceived to be a large number of HiMO's in an area which are being managed and causing problems for the tenants and/or members of the public.
- 2.4 Selective licensing gives local authorities the powers to licence privately rented accommodation in a prescribed area where there is low housing demand, or a serious problem with antisocial behaviour and that the problem is compounded by landlords who are not properly managing their properties.
- 2.5 Members agreed to consider selective licensing in a targeted area of the city, which met the required criteria.

3 Selective licensing

Operation of the licensing scheme

- 3.1 The scheme is for a five year period and must be reviewed at the end of that period.
Licensing conditions
- 3.2 There are mandatory conditions which must be included in the licence and these are as follows:
- Present a gas safety certificate annually to the Local Housing Authority if gas is supplied to the house

¹ For more information on mandatory licensing of houses in multiple occupation please see: http://www.coventry.gov.uk/downloads/download/714/licence-houses_in_multiple_occupancy

- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition
 - Keep smoke alarms in proper working order
 - Supply the occupier with a written statement of the terms of occupation
 - Demand references from persons wishing to occupy the house.
- 3.3 Authorities have discretion to set the precise conditions of the licence as regards anti-social behaviour and general management of the property. These can include conditions relating to the use and occupation of the house, and measures to deal with anti-social behaviour of the actual tenants or those visiting the property. However, the conditions imposed must be ones which relate to the residential use of the property – they cannot, for example, place responsibilities on landlords to act where, for example, tenants may be committing crimes unrelated to their occupation of the property.

Granting of licences

- 3.4 The local authority would need to establish that the landlord or managing agent was a 'fit and proper' person.
- 3.5 The authority must have regard to any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed licence holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices. However, the local authority is not required to carry out blanket checks on all landlords, except if they have concerns.

4 Desired Outcomes

- 4.1 Members discussed the desired outcomes from implementing a selective licensing scheme in the city. These were described as being:
- 4.2 To the local authority:
- Reduce environmental costs
 - Reduced homelessness costs
 - Better knowledge of the private rented sector
 - Improved physical standards and management of private rented stock
 - Quick and easy contact with landlords
 - Easier to involve landlords in wider strategies
 - Support the local Housing and Homelessness Strategy 2013-18
 - Reduce health inequalities
- 4.3 To the Neighbourhood and Community:
- Increase in environmental quality and sense of security
 - less antisocial behaviour
 - less fly tipping etc.
 - more responsive landlords
 - Increase in choice of good quality and well managed housing
 - Reduction in health inequalities.
- 4.4 To tenants:
- Improvements to the quality and management of property and protecting vulnerable groups who are often occupiers of poorly managed privately rented accommodation.
 - Improvements to the neighbourhood e.g. security and sense of community.
 - Reduce incidence of unplanned moves and homelessness

- Economic benefits e.g. regaining deposits/less moving costs
- Improvement in health due to improved housing conditions

4.5 To Landlords:

- Creates a level playing field
- Enhance the reputation of the private rented sector and marginalise bad landlords
- Expectations are clear
- Better tenants; less turnover; less voids
- Support for landlords in tackling tenants who commit Anti-social Behaviour

4.6 What licensing cannot do

- Restrict the creation of HiMO's, or rented homes (this is the remit of an Article 4 Direction).
- Control parking problems
- Control the appearance of HiMO's (except in a limited way)
- Prevent subletting
- Solve all the problems with tenants (tenants still have duties and responsibilities)
- Make landlords responsible for their tenants' behaviour

5 Government guidance

5.1 From 1st April 2015, the Department for Communities and Local Government issued new guidance which amended the criteria for local authorities implementing licensing schemes. These new criteria require that for an area to be considered for licensing it must have a high than the national average proportion of private rented homes occupied under assured tenancies or licences and one of the following:

- a) Poor property conditions
- b) High levels of migration
- c) High levels of deprivation
- d) High levels of crime
- e) Low housing demand
- f) High levels of anti-social behaviour (ASB)

5.2 Members of the task and finish group considered which areas of the city met the above criteria

6 What the data in Coventry tells us

6.1 Members of the task and finish group considered data from across the city to identify potential areas of the city that meet the criteria in section 5.1

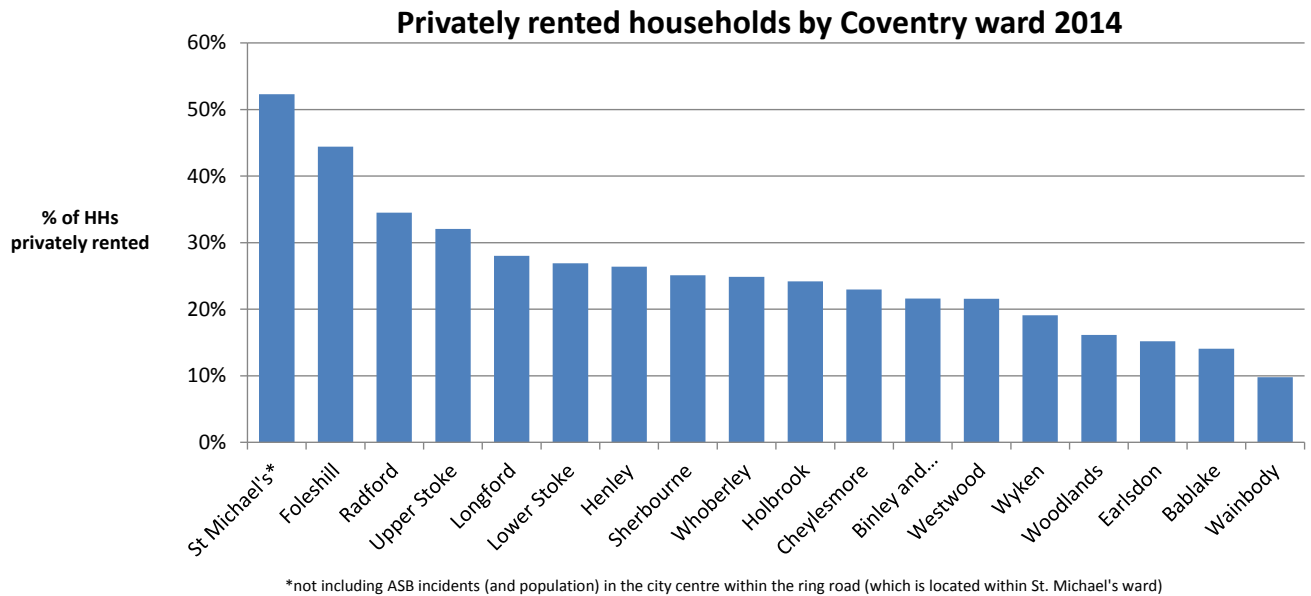
6.2 When considering St. Michael's Ward, the area within the ring road was excluded from the data where possible. Whilst the reporting of ASB is a signifier in relation to evaluating whether an area should be included for selective licensing, figures relating to the city centre area of St Michael's (inside the ring road) were discounted as so many of the ASB incidents were unrelated to residential properties as there is relatively little accommodation within the City Centre. Therefore it was agreed that excluding the data from inside the city centre would make St. Michael's more comparable to other wards of the city.

6.3 High proportion of private rented homes

As Chart 1 below shows, most of the wards in Coventry have over the national average of 19% privately rented households, as defined in the English Housing Condition Survey 2014.

- 6.4 St. Michael's has the highest proportion of households in the private rented sector, with 52%, followed by Foleshill at 44%

Chart 1 – Private Rented Sector



6.5 Criteria c) – High Levels of Deprivation

The Index of Multiple Deprivation (IMD) is a quantitative study of deprived areas in English local councils commissioned by the Department for Communities and Local Government. It is recognised as one of the best indicators of deprivation. It scores all neighbourhoods in England according to the 'multiple deprivation' experienced by their residents using several indicators of deprivation combined, including measures of:

- Income
- Employment
- Health deprivation and Disability
- Education Skills and Training
- Barriers to Housing and Services
- Crime
- Living environment.

- 6.6 The information for each neighbourhood is then scored and ranked.

6.7 Table 1 – IMD 2015

Coventry wards	IMD: Overall (2015) - score	Rank across all England Wards (1 = most deprived, 7,529 = least deprived)	Rank within Coventry
Foleshill	49.8	169	1
Binley & Willenhall	41.2	410	2
Longford	39.1	505	3
St Michael's	39.0	517	4
Henley	38.8	531	5
Radford	35.0	788	6
Upper Stoke	30.1	1,230	7
Holbrook	28.3	1,425	8
Lower Stoke	26.9	1,583	9
Westwood	26.0	1,697	10
Sherbourne	20.5	2,626	11
Wyken	20.3	2,656	12
Cheylesmore	19.6	2,789	13
Woodlands	19.4	2,845	14
Whoberley	18.1	3,125	15
Bablake	16.8	3,447	16
Earlsdon	9.3	5,988	17
Wainbody	9.2	6,036	18

Source: LGINform; Local Government Association

6.8 Foleshill has the highest levels of deprivation in the city, followed by Binley & Willenhall, Longford and St. Michael's. This means they are in the 7% most deprived wards in England Coventry has 5 wards that are in the 550 most deprived wards of England, out of a total of 7,529.

6.9 **Criteria f) - High Level of Anti-social Behaviour**

6.10 The task and finish group considered police recorded anti-social behaviour, as well as Council information on noise complaints and fly-tipping to assess areas levels of anti-social behaviour.

6.11 **Police recorded anti-social behaviour (ASB) incidents by Coventry ward 2012, 2013 & 2014**

(data sources: Police recorded anti-social behaviour incidents 2012, 2013 & 2014 - West Midlands Police; population estimate - mid-year population estimates for small areas (Wards) 2013 (experimental statistics), Office for National Statistics)

6.12 For the purposes of this analysis, incidents at locations in the city centre within the ring road are excluded; the city centre often produces outlier data. This predominantly affects the data for St. Michael's ward, the ward in which the city centre is located. All St. Michael's figures are shown **without** incidents that occurred in the city centre.

6.13 The analysis includes data for three full calendar years, including all incidents during 2012, 2013 and 2014.

6.14 St. Michael's has the highest rate of recorded anti-social behaviour.

Table 2 - Anti-social Behaviour Rates

Coventry Ward	Rate - anti-social behaviour incidents per 1,000 residents 2012	Rate - anti-social behaviour incidents per 1,000 residents 2013	Rate - anti-social behaviour incidents per 1,000 residents 2014
St Michael's*	64.2	50.9	52.2
Henley	42.4	33.5	35.7
Longford	43.0	35.3	33.5
Foleshill	40.9	30.9	30.6
Binley & Willenhall	47.7	38.4	32.8
Radford	32.1	26.1	23.3
Woodlands	35.8	23.2	25.5
Lower Stoke	25.9	21.0	20.9
Holbrook	28.0	22.5	22.0
Upper Stoke	26.1	20.2	19.4
Sherbourne	28.3	20.7	21.3
Westwood	20.6	17.3	17.2
Cheylesmore	21.9	18.7	16.0
Wyken	20.1	16.8	15.1
Bablake	14.9	12.6	12.5
Whoberley	15.3	12.0	10.3
Earlsdon	14.4	10.9	10.5
Wainbody	9.3	7.4	6.7
Sub-total	30.5	24.2	23.5
The city centre within the ring road	414.1	255.1	219.8
Unknown ward			
Grand Total	34.0	26.7	25.6

*not including incidents (and population) in the city centre within the ring road, which is located within St. Michael's ward

Chart 2 – Anti-social Behaviour rates

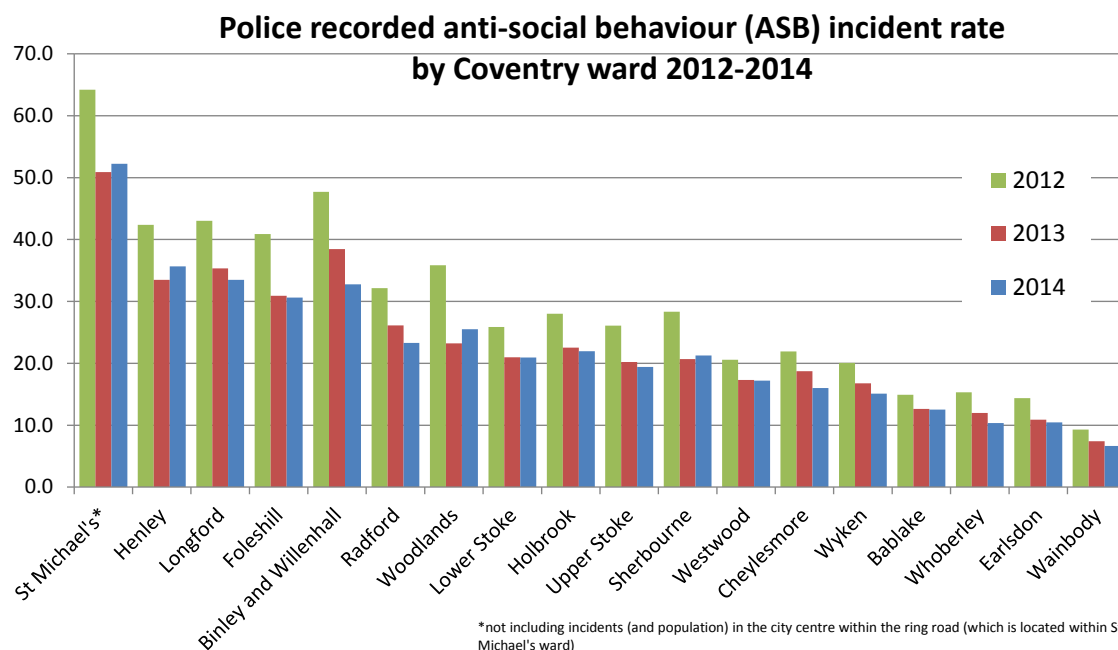
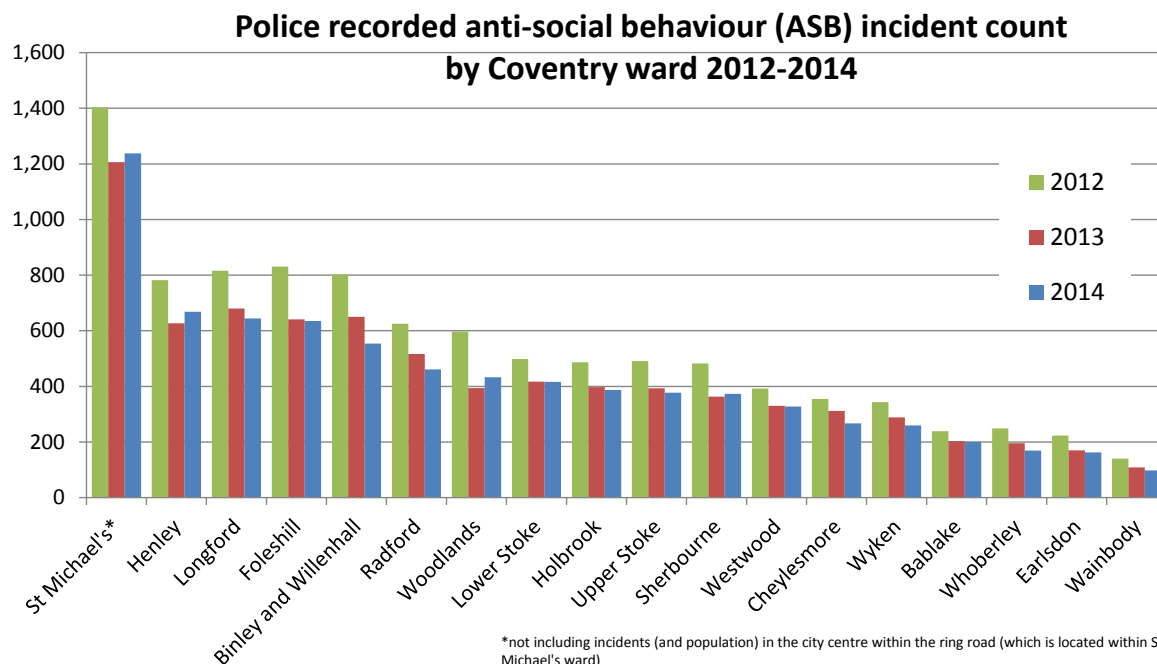


Table 3 - Police Recorded ASB Counts

Coventry Ward	Number of Police recorded anti-social behaviour incidents 2012	Number of Police recorded anti-social behaviour incidents 2013	Number of Police recorded anti-social behaviour incidents 2014
St Michael's*	1,403	1,206	1,238
Henley	782	627	668
Longford	816	680	644
Foleshill	831	641	635
Binley & Willenhall	802	650	554
Radford	625	517	461
Woodlands	597	394	433
Lower Stoke	498	417	416
Holbrook	487	397	387
Upper Stoke	491	393	377
Sherbourne	483	363	373
Westwood	392	330	328
Cheyylesmore	355	312	267
Wyken	343	289	260
Bablake	239	203	201
Whoberley	249	196	169
Earlsdon	223	170	163
Wainbody	140	109	98
Sub-total	9,756	7,894	7,672
The city centre within the ring road	1,207	905	780
Unknown ward	24	15	7
Grand Total	10,987	8,814	8,459

Chart 3 - Police Recorded ASB Counts



6.15 Noise complaints by Coventry ward 2012, 2013 & 2014

data sources: Noise complaints data - Place directorate, Coventry City Council; population estimate - mid-year population estimates for small areas (Wards) 2012 & 2013 (experimental statistics), Office for National Statistics

6.16 For the purposes of this analysis, complaints from locations in the city centre within the ring road are excluded; the city centre often produces outlier data. This predominantly affects the data for St. Michael's ward, the ward in which the city centre is located. All St. Michael's figures are shown **without** complaints that occurred in the city centre.

6.17 The analysis includes data for three full calendar years, including all complaints during 2012, 2013 and 2014.

6.18 St. Michael's has the highest number of noise recorded complaints.

Table 4 - Noise Complaints Rates

Coventry Ward	Rate - number of noise complaints per 1,000 residents 2012	Rate - number of noise complaints per 1,000 residents 2013	Rate - number of noise complaints per 1,000 residents 2014
St Michael's*	16.0	15.3	14.9
Upper Stoke	10.4	13.8	13.5
Radford	11.6	11.0	12.2
Foleshill	11.6	10.7	11.6
Bablake	5.2	7.0	9.7
Binley & Willenhall	9.9	7.0	9.2
Whoberley	9.2	10.0	9.0
Wyken	6.1	7.4	9.0
Lower Stoke	9.5	9.3	8.9
Longford	7.1	9.5	8.9
Henley	7.2	9.1	8.3
Westwood	9.5	6.4	8.1
Sherbourne	7.3	7.9	7.8
Holbrook	9.4	9.4	7.0
Woodlands	9.7	7.0	6.8
Cheylesmore	8.2	8.1	6.7
Earlsdon	4.6	5.4	4.4
Wainbody	2.2	3.1	2.7
Sub-total	8.8	9.0	9.1
The city centre within the ring road	11.3	11.0	11.6
Unknown ward			
Grand Total	9.5	9.9	10.0

*not including incidents (and population) in the city centre within the ring road, which is located within St. Michael's ward

Chart 4 – Noise Complaint Rates

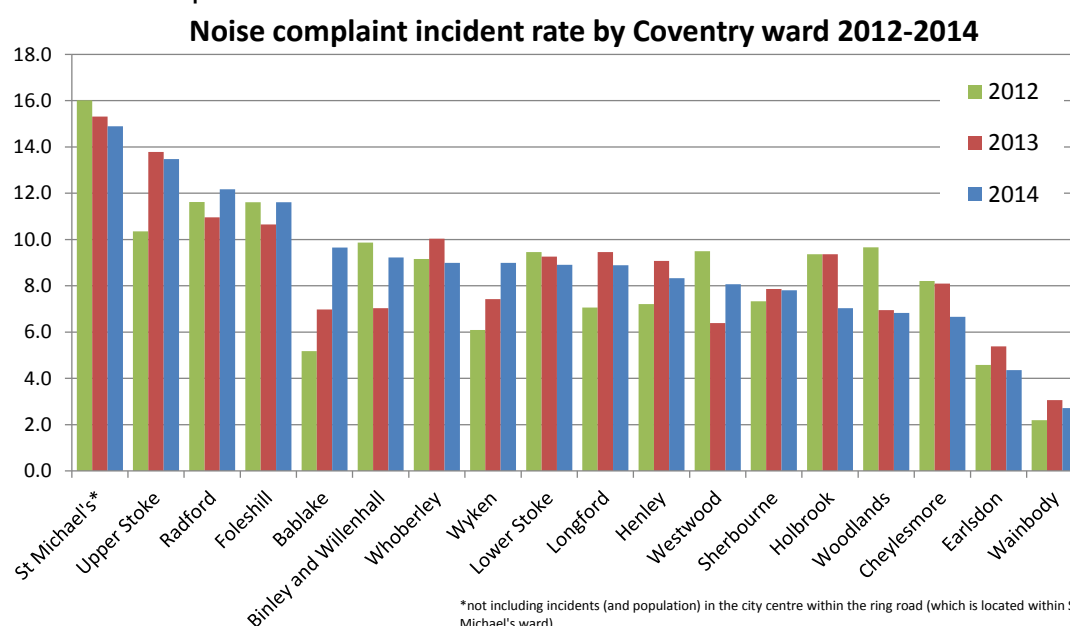
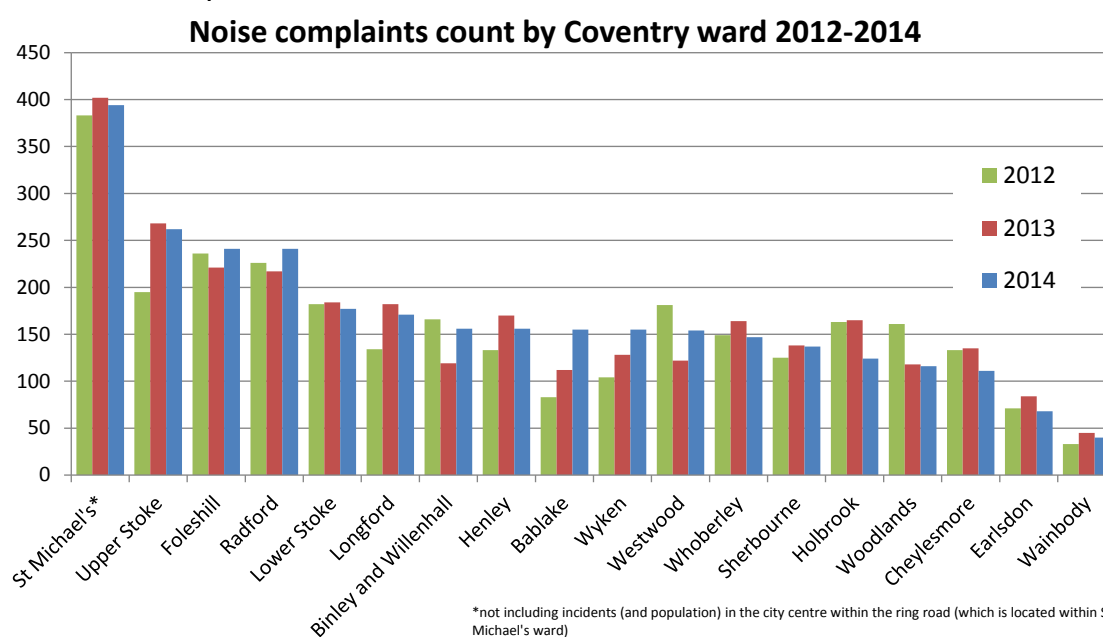


Table 5 - Noise Complaint Counts

Coventry Ward	Number of noise complaints 2012	Number of noise complaints 2013	Number of noise complaints 2014
St Michael's*	383	402	394
Upper Stoke	195	268	262
Foleshill	236	221	241
Radford	226	217	241
Lower Stoke	182	184	177
Longford	134	182	171
Binley & Willenhall	166	119	156
Henley	133	170	156
Bablake	83	112	155
Wyken	104	128	155
Westwood	181	122	154
Whoberley	149	164	147
Sherbourne	125	138	137
Holbrook	163	165	124
Woodlands	161	118	116
Cheylesmore	133	135	111
Earlsdon	71	84	68
Wainbody	33	45	40
Sub-total	2,858	2,974	3,005
The city centre within the ring road	33	39	41
Unknown ward	185	246	257
Grand Total	3,076	3,259	3,303

Chart 5 – Noise Complaint Count



6.19 **Fly-tipping incidents by Coventry ward 2012, 2013 & 2014**

data sources: Fly-tipping incidents - Place directorate, Coventry City Council; population estimate - mid-year population estimates for small areas (Wards) 2012 & 2013 (experimental statistics), Office for National Statistics

6.20 For the purposes of this analysis, incidents at locations in the city centre within the ring road are excluded; the city centre often produces outlier data. This predominantly affects the data for St. Michael's ward, the ward in which the city centre is located. All St. Michael's figures are shown **without** incidents that occurred in the city centre.

6.21 The analysis includes data for the full calendar year, all incidents during 2012, 2013 and 2014.

Table 5 – Fly-tipping Rates

Coventry Ward	Rate - number of fly-tipping incidents per 1,000 residents 2012	Rate - number of fly-tipping incidents per 1,000 residents 2013	Rate - number of fly-tipping incidents per 1,000 residents 2014
Foleshill	36.6	35.1	32.0
St Michael's*	56.6	34.6	20.5
Upper Stoke	14.0	11.4	8.3
Radford	9.4	7.1	7.7
Bablake	5.4	6.9	7.3
Binley & Willenhall	9.0	6.8	5.7
Lower Stoke	7.0	7.1	5.5
Henley	3.8	4.3	5.1
Longford	4.1	4.0	4.8
Holbrook	6.4	4.8	4.4
Whoberley	3.0	3.1	4.2
Westwood	2.9	2.6	4.0
Sherbourne	7.3	5.5	3.5
Cheylesmore	2.0	2.9	2.8
Woodlands	3.3	2.0	2.2
Wyken	1.0	1.9	2.1
Earlsdon	1.9	1.7	1.6
Wainbody	1.1	1.1	0.5
Sub-total	10.7	8.8	7.4
The city centre within the ring road	0.7	0.0	0.0
Unknown ward			
Grand Total	12.1	9.2	7.6

*not including incidents (and population) in the city centre within the ring road, which is located within St. Michael's ward

Chart 6 – Fly-tipping Rates

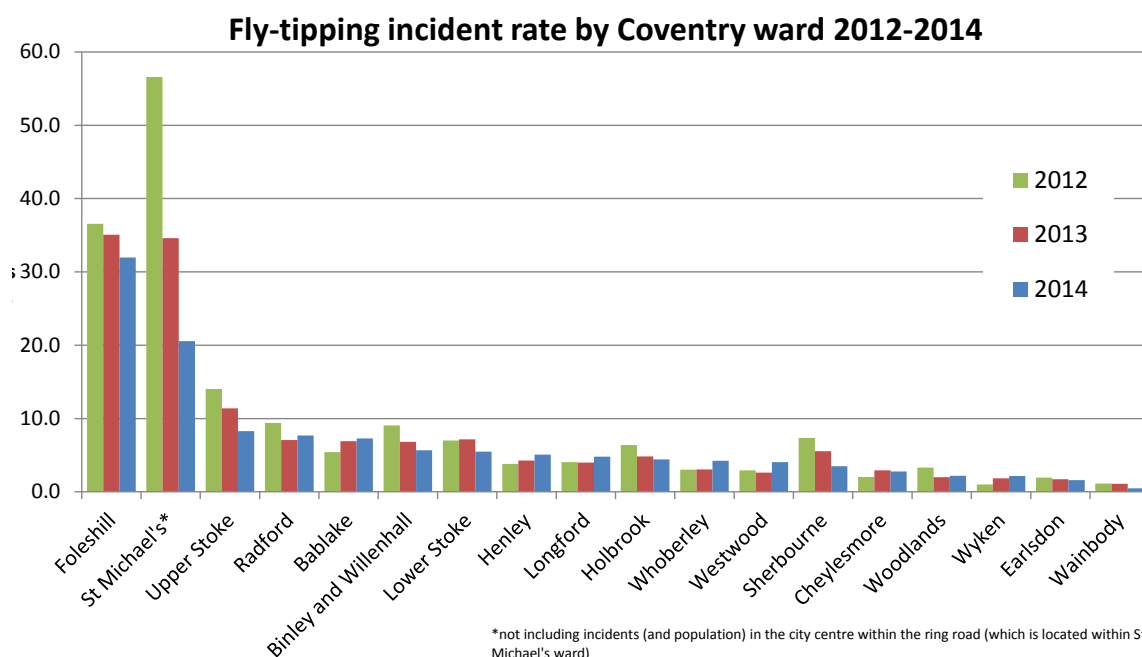
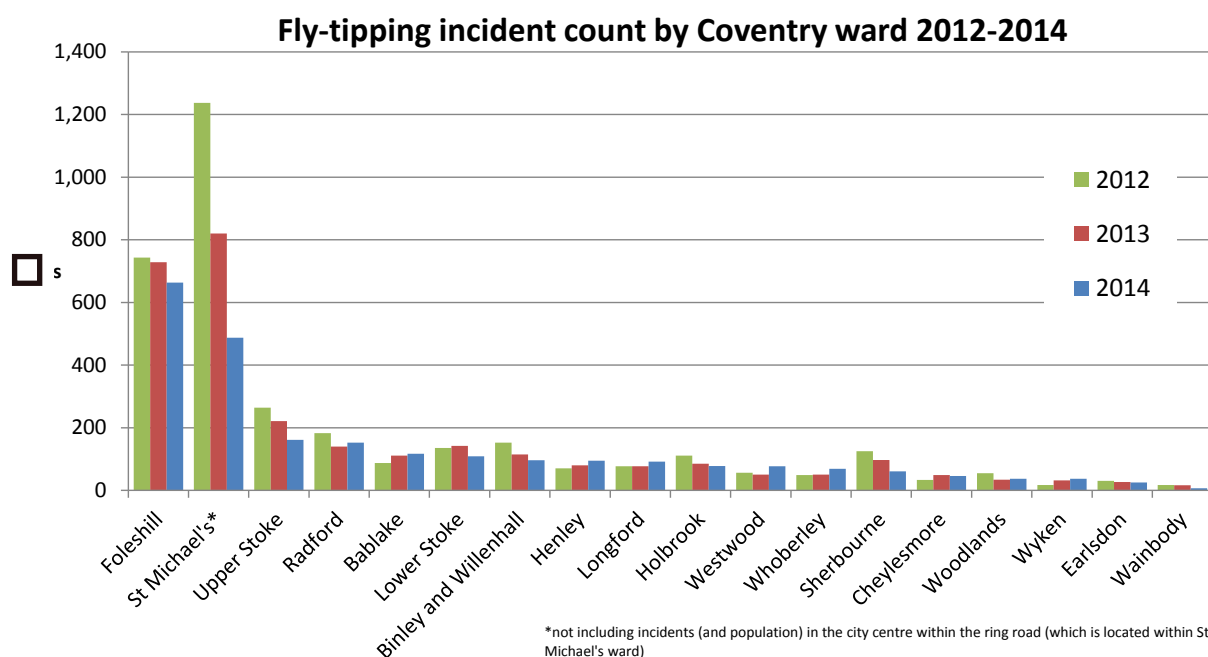


Table 6 - Fly-tipping Counts

Coventry Ward	Number of reported fly-tipping incidents 2012	Number of reported fly-tipping incidents 2013	Number of reported fly-tipping incidents 2014
Foleshill	743	728	663
St Michael's*	1,237	820	487
Upper Stoke	264	221	161
Radford	183	140	152
Bablake	87	111	117
Lower Stoke	135	142	109
Binley and Willenhall	152	115	96
Henley	70	80	95
Longford	77	77	92
Holbrook	111	85	78
Westwood	56	50	77
Whoberley	49	50	69
Sherbourne	125	97	61
Cheylesmore	33	49	46
Woodlands	55	34	37
Wyken	17	32	37
Earlsdon	30	27	25
Wainbody	17	16	7
Sub-total	3,441	2,874	2,409
The city centre within the ring road	2	0	0
Unknown ward	465	169	109
Grand Total	3,908	3,043	2,518

Chart 7 – Fly-tipping Count



6.22 Data Summary

6.23 The data shows that St. Michael's ward has high numbers of private rented sector households, as well as experiencing high levels of deprivation, and high levels of anti-social behaviour, including police recorded incidents, noise complaints and fly-tipping.

6.24 This data suggests that St. Michael's excluding the city centre within the ring road would be the area most likely to meet the criteria for and therefore benefit from the implementation of a selective licensing scheme.

7 Financial analysis

7.1 As part of the task and finish group, Members considered the financial implications and the associated costs and fees to a licensing scheme.

7.2 As with the HiMO mandatory licensing regime, landlords must pay a charge for a licence issued under a selective licensing scheme. Local authorities can set the level of the fee and the intention is that the rate should be 'transparent' and cover the actual cost of the scheme's administration.

7.3 Most schemes in other local authorities have discounts on offer for early take-up of the scheme or membership of an approved accreditation scheme, or multiple applications.

7.4 Any selective licensing scheme will need to be self-financing. Licensing revenue can be used for licensing activities only i.e. inspection and administration of the scheme – it does not cover enforcement.

7.5 There are additional costs of a scheme which include:

- Consultation and set up
- Overhead and general administrative costs
- Enforcement
- Landlord support

7.6 In order to propose an appropriate discretionary licensing fee per property, costs have been analysed using information from finance. This information has been based on the

number of properties in the proposed area, the costs of processing an individual licence, the set up costs for a licensing scheme and total anticipated discounts.

7.7 Using this information which can be found in Table 7 below, the anticipated cost of a selective licensing fee per property, allowing for discounts, would be £773.95.

Table 7

Total Proposed Cost of Selective Licensing		
a	Total number of privately rented properties in St Michael's (excluding the City Centre)	3,196
b	Individual licensing process cost per property	£713.42
c	Total licensing process cost for all properties (b x a)	£2,280,080.73
d	Set up costs for Selective Licensing	£27,887.19
e	Set up Costs for Selective Licensing per property	£8.73
f	Total licensing cost (c + d)	£2,307,967.92
g	Selective licensing fee per property (before potential discounts)	£722.14
h	Total anticipated discounts granted	£165,569.92
i	Total licensing cost after paying discounts (f + h)	£2,473,537.84
	Selective licensing fee per property (allowing for discounts) (i / a)	£773.95

8 Landlord Accreditation Schemes

8.1 Although there is no standard model, the key features of accreditation schemes are:

- They are voluntary – landlords agree to join rather than being obliged to, and are usually closely involved in establishing and running schemes.
- There is a set of standards relating to management and property condition to which accredited properties and landlords must adhere.
- The scheme is administered by an independent body which checks that the required standards are met.
- There are incentives to membership such as access to information and advice, advertising of accredited properties, or grant aid with the cost of building work.

8.2 The aims of an Accreditation Scheme are:

- To promote good physical conditions of properties and good management practices.
- To create and maintain a stock of private rented accommodation to an accredited standard and which meets the legal requirements.
- To give public recognition to those landlords who provide housing that meets or exceeds the accredited standard.
- To give prospective tenants the choice of renting a good standard of accommodation.

8.3 Schemes may offer landlords some of the following benefits:

- Discount on licensing fees
- Newsletter
- Signposting to training
- Access to a list of businesses offering preferential rates
- Advice seminars on housing, legal and other related matters (free or fee)

- 8.4 There is widespread recognition that voluntary accreditation works well for the best landlords and those who take advantage of the training and support on offer but is not a mechanism that can be used to deal effectively with those who are less reputable. It can however offer a mechanism whereby LA resources can be directed to the worse landlords, if they can be identified.
- 8.5 Accreditation schemes may accredit either a landlord or a property and be run locally, regionally or nationally.
- 8.6 Landlord accreditation emphasises the responsibility of the landlord to meet legal standards and are based on landlord development and good management practice. As it is the landlord and not the property that is accredited, the accreditation will apply across the landlord's whole portfolio
- 8.7 A landlord or letting agent will give an undertaking to operate within the rules of the scheme; to attend at least one day training followed annually by a number of hours of Competency.
- 8.8 There are a variety of accreditation schemes on offer to landlords, including the Midlands Landlord Association Scheme (MLAS), National Landlords Association (NLA) and the Residential Landlord Association (RLA)

9 What has happened in other areas

- 9.1 Members considered information about other areas of the country that have introduced selective licensing. There are wide variations on how schemes have been implemented as different licensing schemes meet different local needs.
- 9.2 Some areas have very small and specific locations which are licensable, such as Salford and Wolverhampton, whereas others cover the whole city as in Liverpool and Croydon. Basic fees for the licenses across the country vary between £340 and £1000.
- 9.3 When other local authorities have introduced selective licensing there has been considerable challenge from representatives of the private rented sector. Enfield's scheme was overturned by judicial review as the consultation process was deemed inappropriate. However in Rotherham the judicial review failed as the Council was deemed to have acted "rationally and proportionately".

10 Conclusions

- 10.1 Members agreed that parts of St. Michael's Ward, excluding the city centre meets the criteria for implementing selective licensing when considering the evidence available, including levels of private rented property, deprivation and levels of anti-social behaviour.
- 10.2 Members also agreed that a full and thorough consultation process should happen, involving all stakeholders including landlords, private tenants and other members of the community.
- 10.3 They also agreed that the financial implications of introducing a scheme should be considered fully before implementation.

11 Recommendations

- 11.1 The Cabinet Member is recommended to:
 - (1) Initiate the statutory process to implement a selective licensing scheme in St. Michael's Ward (minus the city centre) of the city.

- (2) Pending the consultation in recommendation 1), consider at the same time, the financial feasibility of implementing a selective licensing scheme in the St. Michael's Ward of the city.
- (3) Actively encourage landlords to join a landlord's accreditation scheme. Appropriate discounts on licences will be granted to those landlords who have houses in the proposed licensing area.
- (4) Bring any further decisions for the Cabinet Member on implementing a selective licensing scheme to the appropriate Scrutiny Board for comment before a decision is taken.

Appendix A Members of the Task and Finish Group

Elected Members

Cllr David Welsh (Chair)

Cllr Linda Bigham

Cllr David Galliers

Cllr David Skinner

Cllr Seamus Walsh

Council Officers

Helen Caves – Environment and Housing Enforcement Manager

Cath Crosby – Lead Accountant – Business Partner

Tom Evans – Analyst, Insight Team

Angela Hands – Public Health Practitioner

Craig Hickin – Head of Environmental Services

Gennie Holmes – Scrutiny Co-ordinator

Tracy Miller – Head of Planning, Place Directorate

Liam Nagle – Offender Management Strategy Officer

Alan Quinlan – Housing Enablement Officer



Selective Licensing V Article 4 Direction

Craig Hickin
Head of Environmental Services
craig.hickin@coventry.gov.uk



Selective licensing

- Can be used for:
 - Areas of low housing demand
 - Areas of high Anti-Social Behaviour attributable to the private rented sector
 - Poor property conditions (new)
 - High levels of migration (new)
 - High levels of deprivation (new)
 - High levels of crime (new)





Selective licensing - Opportunities

- Creates a level playing field
- Enhance the reputation of the private rented sector and marginalise bad landlords
- Better tenants; less turnover; less voids
- Support for landlords in tackling tenants who commit ASB
- Improve environmental quality and sense of security



Selective licensing - Strengths

- Controls who has the licence
- Can issue licence conditions to exercise greater controls over management
- Should reduce ASB
- Public Health: Improve housing conditions
- Reduces overcrowding





Selective licensing - Weaknesses

- Will not reduce or control the number of HMO
- Control parking problems
- Improve the external appearance of properties
- Solve all the problems with tenants (tenants still have duties & responsibilities)
- Make landlords responsible for their tenants' behaviour



Selective Licensing - Threats

- Start up costs
- Impacts on all landlords placing additional burdens on reputable compliant landlords.
- Costs could be passed onto tenants
- Will not achieve the expected objectives
- Challenges likely – judicial review
- Displacement of problems to neighbouring areas
- Insufficient resources to enforce





Article 4 Direction

- Can be used to:
 - Provide additional powers of planning control by removing permitted development rights over certain classes of development



Article 4 Dir. - Opportunities

- Can provide greater control to ensure development accords with planning policy
- Helps protect the character of particular areas such as Conservation Areas
- Can help protect against the loss of buildings or features that define a particular character





Article 4 Dir. - Strengths

- Provides greater control to Local Planning Authorities
- Prevents development that does not accord with planning policy



Article 4 Dir. - Weaknesses

- Will not reduce the number of HMO
- Gives a false impression that HMOs will not be permitted
- Significant evidence required to justify the imposition of the Article 4 Direction





Article 4 Dir. - Threats

- Insufficient resources to evidence base the need for an Article 4 Direction
- Increase in applications applying for HMO with no associated fee – impacting on resources
- Potential increase in unjustifiable refusals resulting in higher appeal rate with potential for award of costs

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Public report
Cabinet Member

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

29 March 2016

Name of Cabinet Member:

Cabinet Member for Business, Enterprise and Employment –Councillor Maton

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Longford

Title:

Proposal to Enter Into an Exclusivity Agreement For Riley Square Shopping Centre

Is this a key decision?

No

Executive Summary:

Riley Square Shopping Centre is part of the Bell Green District Centre that was built in the 1960's.

The shopping centre has an outdated design and suffers from a lack of significant investment and now appears in a poor drab physical condition.

It has been recognised that the shopping centre is in gradual decline and this has been accelerated with the changing habits of shoppers and the competing retail centres in the vicinity of the Arena, Courthouse Green and the Gallagher Retail Park.

A report was taken to Cabinet Member for City Development in November 2008 to authorise officers to market and secure new external investment in Riley Square shopping centre and a development partner. Since 2008 there have been repeated attempts and discussions to attract potential retailers, developers and investors but nothing was forthcoming.

In October 2015, the Council were approached by a “Developer” about the potential for investment by way of refurbishment and partial redevelopment of Riley Square. They have requested a six month period of exclusivity that will enable them to work up proposals for the centre, undertake a retail impact study to identify established retail operators and agree terms with the Council for the transfer of the centre by way of a long leasehold interest. They have agreed to commit up to £100,000 to fund the study with the findings to be shared at the end of the exclusivity period.

Recommendations:

The Cabinet Member for Business, Enterprise and Employment is recommended to:

- (1) Delegate authority for the Assistant Director- Property Asset Management for the Council to enter into an Exclusivity Agreement with the Developer for a maximum period of six months to enable them to work up a detailed feasibility study and proposal for Riley Square Shopping Centre including public consultation with Whitefriars Housing Association and other stakeholders on the emerging proposals for the shopping centre.
2. Request that the Assistant Director – Property Asset Management submits a report to Cabinet Member at the end of the six month exclusivity period setting out the findings of the Retail Impact Study, proposals for investment and refurbishment of the centre and terms for the disposal of the centre by way of a long lease.

List of Appendices included:

Appendix A – Location Plan

Other useful background papers:

Cabinet Member (City Development) 27th November 2008 “Proposals for Riley Square District Shopping Centre”

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Proposal to Enter into an Exclusivity Agreement for Riley Square Shopping Centre

1. Context (or background)

- 1.1 Riley Square was built in the 1960's consisting of a mixture of ground floor retail units with some residential units situated above. The residential units are owned and managed under a long lease from the Council by Whitefriars under the housing stock transfer in 2000.
- 1.2 Due to a gradual decline this has led to a lack of significant investment at Riley Square Shopping Centre, accelerated due to the development of competing centres in the vicinity such as the Arena, Courthouse Green and the Gallagher Retail Park but also changing shopping habits.
- 1.3 There is a variety of retailers in the shopping centre ranging from local independent traders to multiple retailers such as Farmfoods and Lloyds Pharmacy however it is recognised that for the shopping centre to flourish, more established names need to be attracted to Riley Centre to increase the footfall. Currently there are 32 units and at the time of writing 10 are vacant. Most of the retail units are let on short leases to independent traders.
- 1.4 Previous independently commissioned reports for Riley Square Shopping Centre, Chestertons in 2003 and the Nuneaton & Bedworth Neighbourhood Centre Appraisal 2007 recognised that Riley Square Shopping Centre continues to be an important focus for the Bell Green community and the Moat House Community Trust areas (formerly known as a New Deal for Communities area) The key findings from these reports which are still relevant at the time of writing are:
 - Income from assets represents poor financial return
 - Poor income security with short leases and poor covenant strength
 - Outdated design and poor condition of fabric
 - Need for substantial investment and intervention
- 1.5 A report in 2008 approved officers to market the opportunity to secure new investment in Riley Square Shopping Centre and seek a development partner. It has proved difficult to secure interest as the credit crunch and subsequent recession meant early involvement with a development partner was not possible and the opportunity was not deemed an attractive proposition within the market. Major retail supermarket operators were contacted in addition to developers and investors about the opportunity to redevelop but as stated above there was no appetite. In addition, the Whitefriars residential blocks above the ground floor retail units was viewed as a major development obstacle as any development partner would have to negotiate with them if major remodelling or refurbishment of the new shopping centre was required.
- 1.6 Riley Square has been identified in the emerging Draft Local Plan with Policy R1 making provision for the complete redevelopment of the area to ensure that the centre is suitable to meet future local needs. Due to the existing constraints, there is an expectation of a comprehensive masterplan which may result in changes to the layout of the District Centre boundary and retail footprint.
- 1.7 There is now an understanding with Whitefriars to participate in the redevelopment of Riley Square Shopping Centre. It was recognised in the report "Partnership working with Whitefriars Housing Group Ltd" approved by Cabinet on the 26 November 2015, land was identified within the vicinity of Riley Square that could be used for the future decant of

residents from the centre. The sites identified in the project matrix were land at Roseberry Avenue and Hall Green Road.

- 1.8 Despite the obstacles listed in paragraphs 1.4 & 1.5, following discussions with the Developer during autumn/winter 2015, they have recognised the long term potential in Riley Square Shopping Centre and are willing to commit investment of up to £100,000 to undertake a retail impact study in the Centre to identify a significant retailer partner(s) and consult with stakeholders to work up possible refurbishment/redevelopment plans. The findings from the retail impact study will be shared with the Council.
- 1.9 Due diligence will be undertaken during the exclusivity period but officers are satisfied at this stage that the Developer have satisfied by way of a confidential agreement the identified funders to implement a successful long term development.
- 1.10 To commit to this initial investment, the Developer is seeking an exclusivity agreement from the Council for a maximum period of 6 months. During this period, the Developer will work with the Council to:
 - Produce a clear and detailed refurbishment/development programme including a medium and long term strategy to identify key milestones in the programme including confirmation that funding is secured to accomplish these aims
 - Agree an asset management strategy with the Council for interests within its control
 - Develop a land assembly strategy for third party interests including long leasehold interests
 - Consult with Whitefriars and other stakeholders including members of the public over redevelopment/refurbishment plans
 - Agree a financial model with the Council and proposed terms relating to the transfer of Riley Square Shopping Centre by way of a long leasehold interest and with a rental income share arrangement.
- 1.10 At the end of the exclusivity period a report will be submitted to the Cabinet Member setting out the outcomes. It is envisaged that the report will detail the full financial implications and level of investment into Riley Square by the Developer subject to agreeing proposed terms on length of lease, rental share and the proposed transfer of the shopping centre. It should be acknowledged that at the end of the exclusivity period, the Developer may withdraw from any further involvement as the proposal may be considered unviable.

2. Options considered and recommended proposal

- 2.1 The Council has two options for the future of Riley Square:
 - Enter into an exclusivity agreement with the Developer
 - Continue with Status Quo and continue to seek a development partner
- 2.2 If the Council enters into an exclusivity agreement with the Developer, it will allow both parties to properly assess the viability of any refurbishment/development proposal. The Council will have access to their resources and expertise and a retail impact study funded and commissioned by the Developer will identify established high street retailers who may be willing to locate to Riley Square. In addition the Developer will actively engage with Stakeholders (Whitefriars/retailers/local community) and within this exclusivity period terms for the disposal of the shopping centre will be worked up with the commitment to invest over the six month period. Depending on the findings of the study, they have stated subject

to the viability they could secure funding from their partner(s) for the long term development of the shopping centre.

- 2.3 If this exclusivity agreement is not entered into then it would be a missed opportunity to explore the regeneration (costs being funded by a third party) of the shopping centre further exacerbating its decline and continuing to be an on-going liability for the Council.
- 2.4 It is recommended that the Council enters into an exclusivity agreement with the Developer for a maximum period of six months.

3. Results of consultation undertaken

- 3.1 There has been no formal consultation but informal discussions have been held with Batra and Ward Councillors regarding the interest shown by the Developer. As stated earlier in the report the partner will engage with Stakeholders during the exclusivity period to understand their views.

4. Timetable for implementing this decision

- 4.1 If approved the Council will seek to enter into the Exclusivity Period by the end of May.

5. Comments from Executive Director of Resources

5.1 Financial implications

The Centre is management intensive and there is a high turnover of tenants and income security is weak. It has been recognised that the Centre requires significant capital investment into its fabric and in the absence of a partner this would fall to the Council or the centre could close.

5.2 Legal implications

The exclusivity agreement is a document that enables the Developer to consider negotiate and agree terms for the development of Riley Square Shopping Centre at its own cost and expense. It gives the Developer the assurance that the Council will not negotiate with another party within the maximum 6 month exclusivity period.

The exclusivity agreement will not commit the Council to enter into a binding development agreement with the Developer as this will be subject to further Cabinet Member approval in respect of the proposed terms (if any) for a binding agreement between parties.

6. Other implications

Any other specific implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The proposal could result in the refurbishment/redevelopment of the centre, which will benefit the local community and neighbourhood.

6.2 How is risk being managed?

The key risk at this stage is that at the end of the exclusivity period, the Developer is unable to attract further retail interest and any refurbishment would not be financially viable. The Council will work closely with the Developer but the risk cannot be entirely mitigated as

the investment decision will ultimately rest with them. The results of any viability work will be shared with the Council.

6.3 What is the impact on the organisation?

In the short term, staff in Place Directorate will support the Developer with information to assist their work and effect introductions to stakeholders. If the project is viable to proceed then the management of the centre would pass to the company. No member of staff is wholly or mainly employed at Riley Square so there will be no TUPE impact if this occurred.

6.4 Equalities / EIA

No equality impact assessment has been carried out as the recommendations do not constitute a change in service or policy.

6.5 Implications for (or impact on) the environment

There will be no impact from the exclusivity period on the environment. The outcome of the study and a decision to invest may impact on the environment. The outcome of the study and a decision to invest may impact on the environment and this will be reported at the next approval stage.

6.6 Implications for partner organisations

The most obvious partners affected by this proposal will be local traders and Whitefriars Housing Group. The Developer will consult both stakeholders as part of their viability study, in addition to local residents during the exclusivity period.

Report author(s): James Grant

Name and job title: James Grant, Senior Surveyor, Development Services

Directorate: Place

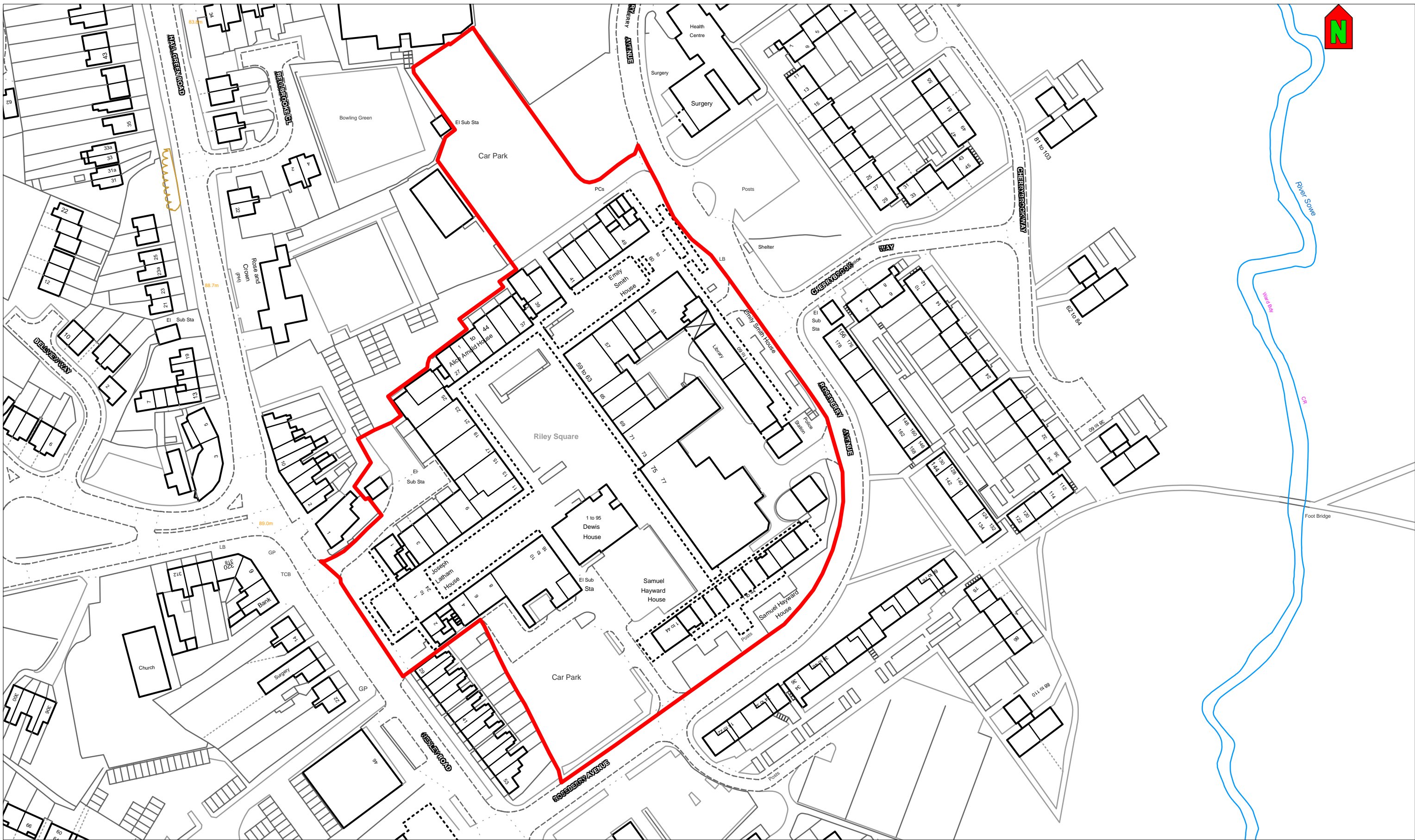
Tel and email contact: 024 7683 3674/ James.Grant@Coventry.Gov.Uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Nigel Clews	Assistant Director-Property Asset Management	Place	17.2.2016	23.2.2016
Graham Stephens	Head of Commercial Property	Place	17.2.2016	23.2.2016
Suzanne Bennett	Governance Services Co-ordinator	Resources	24.02.2016	24.02.2016
Names of approvers for submission: (officers and members)				
Finance: Phil Helm	Finance Manager –Place	Resources	18.2.2016	23.2.2016
Legal: Julie Sprayson		Resources	18.2.2016	23.2.2016
Director: Martin Yardley	Executive Director	Place	08.03.16	08.03.16
Member: Councillor K Maton	Cabinet Member for Business, Enterprise and Employment		08.03.16	08.03.16

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CITY DEVELOPMENT DIRECTORATE
 STRATEGY & PERFORMANCE TEAM
 9TH FLOOR, CIVIC CENTRE 4
 MICH PARK STREET
 COVENTRY CV1 2PY
 0247683 2799



Riley Square

Drawn by :LPL

Date 20/10/2008

Scale: 1:1250

LPR: 650 - 2008

COVENTRY CITY COUNCIL 1:1250 100026294 (2008)
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John McGuigan - Director of City Development
 Nigel Clews - Head of Property Management Division

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Public report
Cabinet Member

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

Cabinet Member for Business, Enterprise and Employment

29 March 2016

Name of Cabinet Member:

Cabinet Member for Business, Enterprise and Employment - Councillor Maton

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

St Michaels

Title:

Freehold Disposal of Land at Lansdowne Street

Is this a key decision?

No

Executive Summary:

The former St Marys R.C School closed in the autumn 2002 and was amalgamated with St Benedict's R.C School in Hillfields.

Whilst the school site was owned by the Catholic Diocese Schools Commission (CDSC) the playing fields were in Council ownership. The total combined area of the former school site was 2.13 acres (0.86 hectares) with the Council ownership (edged red on the attached plan) 0.85 acres (0.34hectares)

The CDSC sold their part of the site in 2004 and the purchaser subsequently tried to purchase the Council's interest and obtained planning permission for a residential and student scheme (which included the Council's land) but unfortunately a disposal was never completed.

The Council granted a lease to Mazing Ltd over its land for use as a private car park to support the Far Gosford regeneration project in 2014. Mazing Ltd and Complex Developments Ltd are the two companies that have developed various projects in Far Gosford St in partnership with the Council. The Fargo Village developers have now submitted an unconditional offer to purchase the site.

Recommendations:

The Cabinet Member for Business, Enterprise and Employment is recommended to:

- (1) Authorise the freehold disposal of the land in consideration of the sum to Complex Development Projects
- (2) Delegate authority to the Assistant Director for City Centre and Development Services following consultation with the Cabinet Member for Business, Enterprise & Employment, for any subsequent variation in terms.
- (3) Delegate authority to the Executive Director of Resources and in particular officers within Legal Services to complete the necessary legal documentation in this matter.

List of Appendices included:

Appendix 1 – Site Plan

Other useful background papers:

Cabinet Member (City Development) 18th October 2007
Planning Application 29th June 2006 (ref-8203/J)

Has it been or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

1. Context (or background)

- 1.1 The site lies to the east of the city centre on the north side of Sky Blue Way/Walsgrave Road. The former St Marys R.C School closed in autumn 2002 and was amalgamated with St Benedict's R.C School in Hillfields.
- 1.2 The footprint of the school site was owned by the Catholic Diocese Schools Commission (CDSC) with the playing fields in the Council's ownership. The Council's site outlined in red on the attached plan is irregular in shape and is approximately 0.85 acres (0.34 hectares). The total combined area is 2.13 acres (0.86hectares).
- 1.3 With the amalgamation of the St Mary's School with St. Benedict's, the playing fields were declared surplus to requirements and CDSC marketed their school site and disposed of their ownership in 2004 without the involvement of the Council. This left the Council with an irregular shaped site.
- 1.4 A planning application was submitted by the purchaser, which included the Council owned land for private residential, student apartments and health centre on the 29th June 2006 (Ref- 8203/J). The application was approved by delegated authority.
- 1.5 A price was agreed with the purchaser of the CDSC land late 2007 whereby they would acquire the Council land however the property market weakened and the offer was withdrawn. The purchaser decided to instruct his agents to market the site, which included the Councils site however due to the purchaser's expectations on value, interest in the joint site was limited.
- 1.6 Ultimately Cygnet Healthcare acquired the former CDSC interest in 2013 and obtained planning permission for a private hospital (FUL/2013/849). Cygnet Healthcare has subsequently made an offer to buy the Council owned land.
- 1.7 To assist the regeneration of Far Gosford Street, the Council granted a three year lease from the 24th September 2014 to Mazing Ltd for the use of the land for the purposes of a car park due to the shortage of parking spaces in the area. The temporary car park has however suffered from exceptionally high levels of crime which has deterred usage and the short term interest makes proper surfacing, lightening and CCTV unviable.
- 1.8 CDP have made an unconditional offer to acquire the Councils interest. The proposals for the site are to retain the car parking at ground floor level with the possible development of housing to be located at upper floors. This offer is substantially in excess of the offer made by Cygnet Healthcare.
- 1.9 The offer by CDP represents best value under Section 123 of the Local Government Act 1972 and has been approved by the Councils Valuation Panel.

2. Options considered and recommended proposal

- 2.1 **Accept the Offer-** the Councils interest is irregular in shape and has been marketed for sale since the CDSC closed the St. Marys R.C School in 2004. Despite attempts to

structure a proposal for sale, the offer by Complex Development Projects will give the Council the opportunity to yield a capital receipt in addition to the car park being secured for the patrons of the Far Gosford Street regeneration project. The proposal to build housing above the car park will ensure that the car park is retained to support Far Gosford Street, and Fargo Village, whilst providing new homes in the area.

The offer has been approved by the Council's Valuation Panel as representing best value under Section 123 of the Local Government Act 1972. Accordingly it is recommended that the offer is accepted.

- 2.2 Decline the Offer-** the offer could be declined but the Council would forgo the capital receipt. In addition, the Council would lose the opportunity for new housing.
- 2.3 It is recommended that the Council accepts the unconditional offer for the freehold disposal of the land to Complex Development Projects as per paragraph 2.1.

3. Results of consultation undertaken

- 3.1 Following the sale to Complex Development Projects, they will have to submit a planning application for any future proposal. As per the procedure for planning applications, adjoining occupiers/neighbours will be consulted by the planning department and that Complex Development Projects will also have to undertake consultation with the local community.

4. Timetable for implementing this decision

- 4.1 Providing Cabinet Member approval is secured, it is expected that the capital receipt will be received in the financial year 2016/2017.

5. Comments from Executive Director of Resources

- 5.1 Financial implications
The receipt for the freehold disposal of land to Complex Development Projects will contribute towards corporate resources and it is expected to be received next financial year.
- 5.2 Legal implications

The consideration for the freehold disposal of land to Complex Development Projects represents the best value reasonably obtainable by the Council as verified by the Council's Valuation Panel. This satisfies the Council's requirements to obtain best value under Section 123 of the Local Government Act 1972.

It is proposed that a legal restriction within the freehold transfer be placed upon the site ensuring that the car park remains available to support Far Gosford for a minimum of 25 years.

Pursuant to section 77 of the Schools Standards and Framework Act 1988 the Council is required to seek consent from the Secretary of State for any disposal or change of use of school playing fields which have been used for the purposes of a maintained school in the last 10 years. The land ceased to be used as school playing fields in 2002 and therefore such consent is not required to be obtained.

The Executive Director of Resources (officers within Legal Services) will complete the legal documentation in connection with the freehold disposal in accordance with appropriate procedures and will collect the agreed consideration upon completion of the disposal.

6. Other implications

Any other specific implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The capital receipt will contribute towards corporate resources and will provide regeneration through the development of new housing.

6.2 How is risk being managed?

The risks have been identified in paragraph 2.2 with the loss of the capital receipt and housing.

6.3 What is the impact on the organisation?

The impact to the organisation will be minimal however it will generate additional work for officers within the Resources Directorate (Legal Services) in processing the freehold disposal of the land

6.4 Equalities / EIA

An equality impact assessment is a process designed to ensure that a policy project or service does not discriminate against any disadvantaged or vulnerable people. Section 149 of the Equality Act 2010 imposes an obligation on Local Authorities to carry out an equality impact assessment when the local authority is exercising a public function.

An equality impact assessment has not been undertaken by officers as the proposal set out in this report related to the granting of or the creation of a legal interest in the land and does not constitute a change in service delivery policy or the exercise of a public function.

6.5 Implications for (or impact on) the environment

The impact will be positive as the buildings proposed for the site will be constructed up to current building regulations.

6.6 Implications for partner organisations?

None

Report author(s): Barry Butterworth

Name and job title:

Directorate: Place Directorate

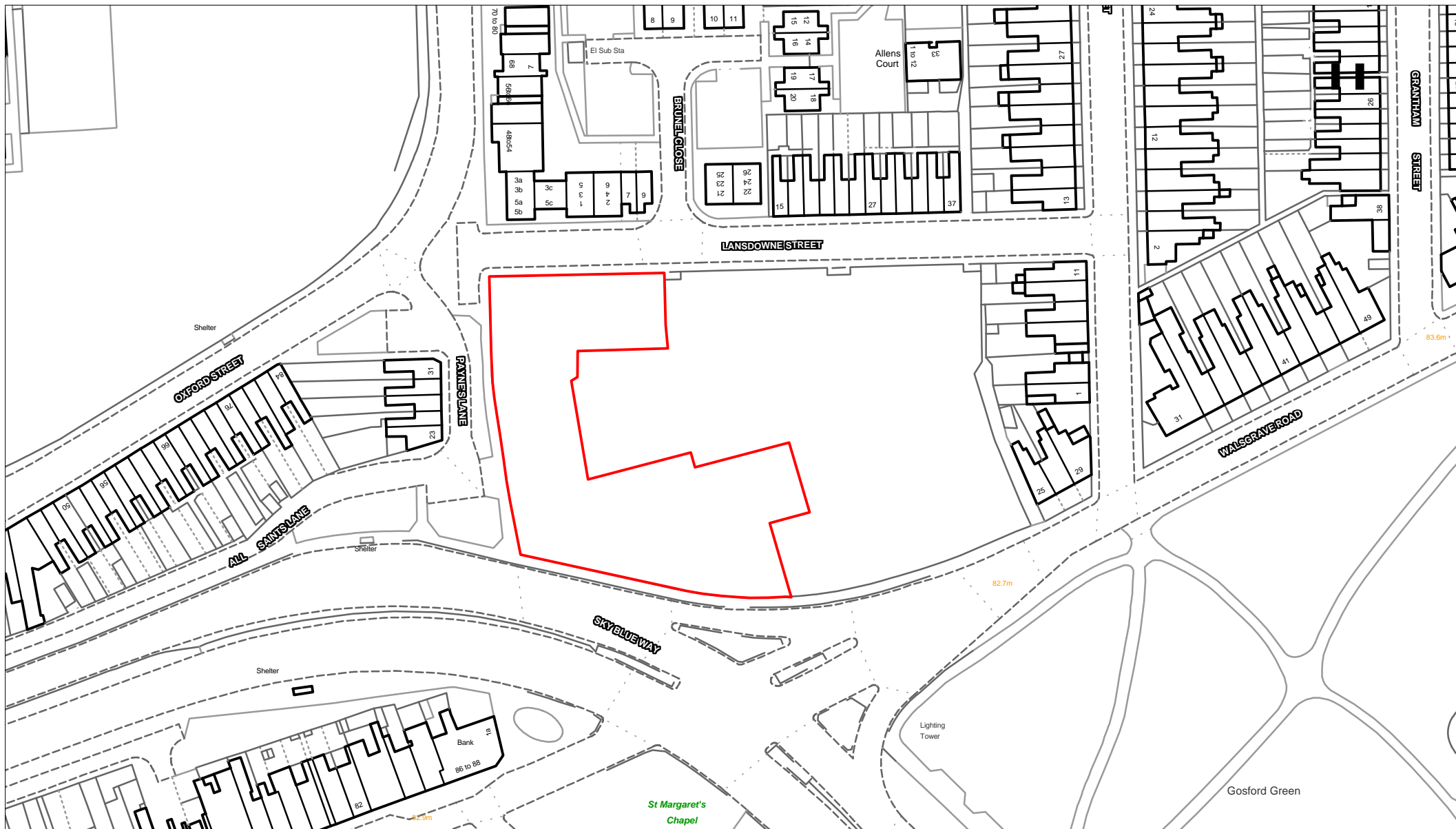
Tel and email contact:

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Richard Moon	Senior Development Executive	Place Directorate	20.01.2016	20.01.2016
Suzanne Bennett	Governance Services Co-ordinator	Resources Directorate	22.01.2016	25.01.2016
Names of approvers for submission: (officers and members)				
Finance: Mark Williams	Lead Accountant	Resources Directorate	22.01.2016	25.01.2016
Legal: Julie Sprayson	Property Lawyer Place Team	Resources Directorate	22.01.2016	25.01.2016
Director: Name Martin Yardley	Executive Director of Place	Place Directorate	08.03.16	08.03.16
Members: Name Councillor K Maton	Cabinet Member for Business, Enterprise and Employment		08.03.16	08.03.16

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PLACE DIRECTORATE
 STRATEGY & PERFORMANCE TEAM
 FLOOR 9, CIVIC CENTRE 4
 MICH PARK STREET
 COVENTRY CV1 2PY
 0247683 2755



Title: Freehold disposal of land at Lansdowne Street

Drawn By: NH
 Scale: 1:1250 at A4
 Date: 08/03/2016

Martin Yardley - Executive Director, Place
 Nigel Clews - Assistant Director, Property Management

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Cabinet Member for Business, Enterprise and Employment

29 March, 2016

Name of Cabinet Member:

Cabinet Member for Business, Enterprise and Employment – Councillor Maton

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

None

Title:

Outstanding Issues Report

Is this a key decision?

No

Executive Summary:

The City Council has adopted an Outstanding Minutes System, linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member for Business, Enterprise and Employment so he is aware of them and can monitor progress.

Recommendations:

The Cabinet Member for Business, Enterprise and Employment is requested to consider the list of outstanding issues and to ask the Member of the Strategic Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

List of Appendices included:

Table of Outstanding Issues.

Other useful background papers:

None

Has it or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report author(s):

Suzanne Bennett

Name and job title:

Governance Services Officer

Directorate:

Resources

Tel and email contact:

Tel: 024 7683 3072

E-mail: Suzanne.bennett@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Other members	Not applicable			
Names of approvers: (officers and members)				
Finance: Name	Not applicable			
Legal: Name	Not applicable			

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	Subject	Date for Further Consideration	Responsible Officer	Proposed Amendment to Date for Consideration	Reason for Request to Delay Submission of Report
1	<p>Save The Employment Support Service</p> <p>Further report on progress on options for the service</p> <p>(Cabinet Member for Business, Enterprise and Employment , 7 September, 2015 – Minute 27/15 refers)</p>	January, 2016	Executive Director of Place	March, 2016	No progress to report in January, 2016

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of the Local Government Act 1972.

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