

Coventry City Council
Minutes of the Meeting of Council held at 2.00 pm on Tuesday, 31 May 2016

Present:

Members:

Councillor L Harvard (Chair)

Councillor F Abbott

Councillor N Akhtar

Councillor P Akhtar

Councillor R Ali

Councillor R Auluck

Councillor S Bains

Councillor L Bigham

Councillor J Birdi

Councillor J Blundell

Councillor R Brown

Councillor K Caan

Councillor G Crookes

Councillor G Duggins

Councillor D Gannon

Councillor M Hammon

Councillor B Kaur

Councillor L Kelly

Councillor D Kershaw

Councillor T Khan

Councillor A Khan

Councillor R Lakha

Councillor M Lapsa

Councillor J Lepoidevin

Councillor A Lucas

Councillor P Male

Councillor K Maton

Councillor T Mayer

Councillor J McNicholas

Councillor K Mulhall

Councillor J O'Boyle

Councillor G Ridley

Councillor E Ruane

Councillor T Sawdon

Councillor P Seaman

Councillor B Singh

Councillor R Singh

Councillor D Skinner

Councillor T Skipper

Councillor H Sweet

Councillor K Taylor

Councillor R Thay

Councillor C Thomas

Councillor S Walsh

Councillor D Welsh

Councillor G Williams

Honorary Alderman J. Gazey, J. Wright

Apologies: Councillor A Andrews, R Bailey, J Clifford, R Lancaster, C Miks, J Mutton and M Mutton

Public Business

15. Declarations of Interest

There were no declarations of interest.

16. Motion without Notice

In accordance with the Constitution a motion without notice was moved by Councillor D Welsh, seconded by Councillor S Walsh and agreed that agenda items 3.1 (Implementing the Devolution Agreement – Provision for Mayoral West Midlands Combined Authority) and 3.2 (Statement by the Leader) be combined and that the time limits for speeches by the Leader and Leader of the Opposition (or nominee) be increased accordingly.

17. Implementing the Devolution Agreement - Provision for Mayoral West Midlands Combined Authority

Further to Minute 3/16 of the Cabinet, the City Council considered a report of the Chief Executive, which set out the proposals for implementing the Devolution Agreement and provisions for Mayoral West Midlands Combined Authority (WMCA).

The seven Metropolitan Councils of the West Midlands (Birmingham City Council, City of Wolverhampton Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council and Walsall Metropolitan Borough Council) conducted a Review of Strategic Governance in 2014 to assess whether the arrangements for economic development, regeneration and transport as they stood should continue or would benefit from improvements. This review highlighted the positive joint working to date that had been in place through informal arrangements, and considered options for the future.

The Review concluded that the establishment of a combined authority for the West Midlands was best placed to support business, to further growth, and to create jobs to secure an improvement in the region's economic conditions. The Combined Authority would draw together strategic work across transport, economic development, employment and skills, improving outcomes and providing opportunity for the region.

A Scheme was then drafted to form the legal basis for the creation of the new body, containing the membership, powers, functions and voting arrangements. On the 13 October 2015, the Council endorsed these proposals and agreed that Coventry City Council should formally become a constituent member. In addition, it resolved that the Devolution Deal should come back before Cabinet and Council for full consideration and debate. Following this agreement, the Scheme was

submitted to Government and a Draft Order (“The Establishment Order”) based on the Scheme was created by the Secretary of State.

On 23 February 2016 the Council consented to a Draft Order being laid before Parliament to allow for the creation of the West Midlands Combined Authority (WMCA). The Cabinet noted that this “Establishment Order” was currently before parliament and was anticipated to come into force on 10 June 2016, on which date the WMCA would be established.

Negotiations with Government had continued to ensure that the WMCA created the right economic development incentives for the people of Coventry. In November 2015, a proposed “Devolution Deal” was signed by the Leaders of the seven Constituent Councils and the three Local Enterprise Partnership Chairs. The “Devolution Deal” was the basis of the agreement and underpinned the first stage of devolution. Assurance work around the Devolution Deal was also undertaken by PricewaterhouseCoopers (PWC) and Grant Thornton and were appended to the report submitted.

The Devolution Deal stipulated that the Chair of the WMCA would be a newly, directly elected Mayor, holding specific powers and functions. A draft order, the “Mayoral Election Order” was also appended to the report for consideration. Subject to consent by all of the constituent authorities, it was anticipated that the Order would be laid before Parliament in June 2016 providing for the Election of a Mayor for the WMCA on 4 May 2017. The Cabinet noted however that the Order did not deal with the functions and powers of the Mayor and that this would be dealt with by a further Order.

In conjunction with the “Mayoral Election Order” a draft Scheme had been prepared, which dealt with the proposed functions and powers of the WMCA and the Mayor in line with the Devolution Deal. In particular the Scheme outlined those functions which would be a Mayoral Function, a Joint WMCA and Mayoral Function or a WMCA (non-Mayoral) Function. The scheme operated on the principle that devolution was not about taking powers away from Constituent Councils, but was about drawing down powers from Central Government or government agencies.

The Cabinet were advised that additional governance arrangements in the Mayoral WMCA ‘functions’ Scheme would include additional members, in pursuit of the WMCA’s ambition to collaborate across the West Midlands geography. A deadline of 10 June 2016 had been given for consideration by the WMCA Shadow/WMCA Board of additional membership.

Subject to the agreement of Council, the Scheme would be subject to public consultation and the report submitted set out the approach to this consultation. Following consultation, the Secretary of State must consider the proposed scheme and the consultation responses. The scheme would form the basis of a third order, the “Functions Order”. It was anticipated that this would be considered by Council in September 2016 before being laid before Parliament.

In line with the “Establishment Order” it was anticipated that the WMCA would come into being as a statutory body on the 10 June 2016. It was noted that Councillor and Officer support from all member authorities was key, both to ensure

the collaborative model for the benefit of the West Midlands continued, and also that the citizens of Coventry continued to benefit from the opportunities arising from the Devolution Deal.

Coventry's elected member representatives to the WMCA were considered and resolved at the Council's Annual Meeting on 19 May 2016. Alongside the democratically elected Leaders of each local authority, the Chief Executives from the constituent authorities made up the senior leadership team of the WMCA. The constituent CEO's would, aside from their day-to-day council responsibilities, also have strategic roles within the WMCA.

Strong public feedback during the engagement programme about the creation of the WMCA was that it should not mean extra layers of bureaucracy or new jobs created at an extra cost to the taxpayer and political leaders had been very clear to officers working on the development of the WMCA that wherever possible, resources should be absorbed by member Councils at no extra cost to the tax payer. As a result, it was proposed that the Senior Management Team of the Combined Authority be made up by Senior Officers from the constituent Councils. This arrangement would include the Head of Paid Service of Coventry City Council (Martin Reeves) taking on the additional responsibility of Head of Paid Service for WMCA on a temporary and part-time basis. This provided a unique opportunity for Coventry to maintain a key strategic position in the new authority. Arrangements had therefore been put in place to delegate responsibility to the Executive Director of Place and members of the Senior Management Board for those areas of responsibility held by the City Council's Chief Executive to exercise on his behalf on the rare occasions that he was not available.

The report indicated that a 'Collective Investment Fund' (CIF) had been an identified priority for the WMCA, with the aim of providing investment for commercial land and property developments, where these were viable but unable to secure all of the required investment to progress. The CIF's focus would be to secure economic return across the region at nil net cost to the WMCA at worst, operating as a revolving fund, for at least a 10-year period with the initial capital being repaid in full at the time the CIF was wound up.

The CIF would be a fund of investments made by the WMCA itself, funded from WMCA prudential borrowing capped at £70 million, as soon as the WMCA had the necessary borrowing powers. Until such time as the WMCA had the power to borrow, Birmingham City Council had agreed to act as Accountable Body for the CIF, and would therefore undertake any borrowing relating to the CIF in the short to medium term.

It was anticipated that the WMCA Board would approve that Finance Birmingham be appointed as the Fund Manager for the CIF. Ownership of the CIF funds would however remain with the WMCA, or Accountable Body, and would only be released when loans are fully approved and all necessary paperwork had been completed. The investment strategy and parameters for the CIF would be set by the WMCA. Finance Birmingham will work closely with WMCA member Councils and Local Enterprise Partnerships on the pipeline of investment opportunities.

It was therefore proposed that the Council enter into a legal agreement with Birmingham City Council to confirm that they would share the risks associated with

the CIF and therefore any losses, in equal proportions with the other West Midlands councils. This would only be triggered in the event that the WMCA was unable to fund any losses from its own financial resources.

In moving the Recommendations, the Leader, Councillor Duggins paid tribute to former Leader of the Council, Councillor Mrs Lucas for her valuable contribution thus far in respect of the implementation of the Devolution agreement.

The following five amendments (in italics) were moved by Councillor Blundell, seconded by Councillor Crookes and lost:

Amendment 1:

Item No 3.1a

Delete recommendation No. 9 in the report and replace with:

“This Council is happy to consider the Devolution Deal and due diligence work surrounding it, but regrets that, on such an important subject, the Labour Group has consistently refused to allow Coventrians to express their views through a referendum.

This contrasts sharply with the referendum which the Conservative Government has arranged so that the British people can decide on membership of the European Union”.

Amendment 2:

Item No 3.1a

Recommendation No. 10 in the report

After the word “consent” add the words “with regret”. At the end of the sentence after the word “WMCA” add the words “, due to the lack of a meaningful consultation with Coventrians”.

The whole recommendation No 10 now to read:

Consent with regret, to the draft Order (“The Mayoral Election Order”), providing for the election of a directly elected Mayor for the WMCA, due to the lack of a meaningful consultation with Coventrians.

Amendment 3

Item No 3.1a

Recommendation No. 11 in the report

At the end of the first sentence, after “Council”, add the words “and to include the Leader of the Opposition or their nominee.”

The whole recommendation No 11 now to read:

Delegate approval of any minor drafting amendments of the Order (“The Mayoral Election Order”) to the Chief Executive following consultation with the Leader of the Council and to include the Leader of the Opposition or their nominee. This delegation is to include approval of the term of the elected Mayor, as this is still under ministerial discussion.

Amendment 4

Item No 3.1a

Recommendation No. 13 in the report

At the end of the first sentence, after “Council”, add the words “and to include the Leader of the Opposition or their nominee.”

The whole recommendation No 13 now to read:

Delegate approval of any minor drafting amendments to the draft Mayoral WMCA “functions” Scheme to the Chief Executive following consultation with the Leader of the Council and to include the Leader of the Opposition or their nominee. This delegation is to include the approval of additional members of the Combined Authority as per paragraph 2.3.9 of this report.

Amendment 5

New Recommendation to add in to the report

Recommendation No 15

“That this Council understands that only functions previously carried out by Central Government will be devolved to WMCA and that where possible these functions will be devolved further to the appropriate local authorities’ (ie ‘subsidiarity’ where possible)”

RESOLVED that the City Council:

- 1. Agree the Devolution Deal, having considered the due diligence work surrounding it.**
- 2. Consent to the Draft Order (“The Mayoral Election Order”) providing for the election of a directly elected Mayoral for the West Midlands Combined Authority.**
- 3. Delegate approval of any minor drafting amendments of the Order (“The Mayoral Election Order”) to the Chief Executive, following consultation with the Leader of the Council, this delegation is to include approval of the term of the elected Mayor as this is still under ministerial discussion; and request the confirmation of the City Council.**
- 4. Approve the draft Mayoral West Midlands Combined Authority “functions” Scheme for public consultation.**
- 5. Delegate approval of any minor drafting amendments to the draft Mayoral WMCA “functions” Scheme to the Chief Executive, following consultation with the Leader of the Council, this delegation is to include the approval of additional members of the Combined Authority, as per paragraph 2.3.9 of the report submitted.**
- 6. Approve the arrangements for the Head of Paid Service of the Council taking on additional responsibility as Head of Paid Service for the West Midlands Combined Authority.**

Note: in accordance with paragraph 18.2 of the Constitution, it was moved by Councillor Blundell and seconded that a recorded vote be required.

<u>For</u>	<u>Against</u>	<u>Abstain</u>
Councillors:	Councillors:	
Abbott	Birdi	
N. Akhtar	Blundell	
P. Akhtar	Crookes	
Ali	Hammon	
Dr R Auluck	Lapsa	
Bains	Lepoidevin	
Bigham	Male	
Brown	Mayer	
Caan	Ridley	
Duggins	Sawdon	
Gannon	Skinner	
Kaur	Williams	
Kelly		
Kershaw		
A Khan		
T Khan		
Lakha		
Lucas		
McNicholas		
Maton		
Mulhall		
O'Boyle		
Ruane		
Seaman		
B. Singh		
R. Singh		
Skipper		
Sweet		
Thay		
Thomas		
Walsh		
Welsh		
Lord Mayor		

Result: Carried

For: 33

Against: 13

Abstentions: 0

18. **Statement by the Leader**

The Leader, Councillor Duggins, made a statement in respect of the “West Midlands Combined Authority.”

Councillor Blundell responded to the Statement.

19. **Ricoh Arena Judicial Review**

The City Council considered a report of the Executive Director of Resources in respect of the appeal brought by Sky Blue Sports & Leisure Limited and Arvo Master Fund Limited (collectively ‘the Appellants’) against the judgment of Mr Justice Hickinbottom was heard in the Court of Appeal on 3 and 4 February 2016. The City Council was named as the Respondent in the appeal and Arena Coventry Limited and the Alan Edwards Higgs Charity were named as interested parties. The Judgment of the Court of Appeal was handed down on 13 May 2016, dismissing the appeal in its entirety.

The Appellants had indicated that they would seek permission to appeal the decision to the Supreme Court. The report sought authorisation from Members for Officers to defend any such application to appeal, and any subsequent appeal in the event permission is granted.

It was noted that since publication of the report, the Appellants had submitted to the Court of Appeal for permission to appeal the judgement dated 13 May 2016 to the Supreme Court, therefore Recommendation (1) had been amended accordingly.

RESOLVED that the City Council authorise the Assistant Director for Finance and Legal Services (Place & Regulatory) to:

- (1) Ratify the decision to defend on behalf of the City Council the application submitted to the Court of Appeal for permission to appeal the judgment dated 13 May 2016 to the Supreme Court.**
- (2) Defend on behalf of the City Council any application to the Supreme Court for permission to appeal the judgment dated 13 May 2016 if leave to appeal is refused by the Court of Appeal.**
- (3) Defend the appeal on behalf of the Council if permission to appeal to the Supreme Court is granted**
- (4) Defend any subsequent and/or associated legal action brought by the Appellants against the Council**
- (5) Make any consequential applications considered necessary as a result of recommendations (1), (2), (3) or (4)**
- (6) Update the ACL Panel as appropriate on developments as to any appeal and estimates on future costs to be incurred.**

(Meeting closed at 4.00 pm)